Attachment 1

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"Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction or to any other matter similarly unconnected with: (a) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (b) the existence of a justification or excuse for such conduct.

For a substantial portion of this nation's history, the doctrine of sovereign immunity barred citizens injured by the torts of a federal officer or employee from initiating or prosecuting a lawsuit against the United States. 36 Until 1946, "the only practical recourse for citizens injured by the torts of federal employees was to ask Congress to enact private legislation affording them relief"37 through "private bills." Figley, Ethical Intersections, supra note 5, at 348–49 (explaining that, "for a century and a half, . . . the United States' sovereign immunity . . . protected it from suit" against "citizens injured by the torts of federal employees"). Id. at 348. See also Axelrad, supra note 2, at 1332 ("Until the [FTCA] was enacted in 1946, no general remedy existed for torts committed by federal agency employees.") See, e.g., Gray v. Bell, 712 F.2d 490, 506 (D.C. Cir. 1983).

the FTCA authorizes plaintiffs to bring civil lawsuits

- 1. against the United States;
- 2. for money damages;
- 3. for injury to or loss of property, or personal injury or death;
- 4. caused by a federal employee's negligent or wrongful act or omission; See infra "Employees and Independent Contractors."
 - 5. while acting within the scope of his office or employment;
- 6. under circumstances where the United States, if a private person, would be liable to the plaintiff in accordance with the law of the place where the act or omission occurred. Meyer, 510 U.S. at 477 (quoting 28 U.S.C. § 1346(b)).

See Gregory C. Sisk, Official Wrongdoing and the Civil Liability of the Federal Government and Officers, 8 U. St. Thomas L.J. 295, 322 (2011) ("The claim for individual justice in court to an aggrieved person or entity must be balanced against the common good advanced by effective collective measures of government and the preservation of democratic rule."); David W. Fuller, Intentional Torts and Other Exceptions to the Federal Tort Claims Act, 8 U. St. Thomas L.J. 375, 377 (2011) ("While a concern for fairness and equity in favor of aggrieved plaintiffs certainly motivated legislators, that concern had to be balanced against others and was not the only impetus behind the FTCA."); Niles, supra note 16, at 1296 ("The critical objective in providing for governmental exposure to tort liability is arriving at the proper balance between positive disincentives for negligent and unreasonable activity on the one hand and negative liability threats which distort the proper decision making process on the other."). That said, the FTCA shields federal employees from liability only for tort claims; it does not shield federal employees from personal liability for constitutional or statutory violations. See 28 U.S.C. § 2679(b)(2) ("Paragraph (1) does not extend or apply to a civil action against an employee of the Government . . . which is brought for a violation of the Constitution of the United States, or . . . a violation of a statute of the United States . . ."). See also Sisk, supra note 17, at 307 ("[F]ederal employees remain potentially liable for constitutional torts." (quoting Kenneth C. Davis & Richard J. Pierce, Jr., Administrative Law Treatise § 19.3, at 227 (3d ed. 1994))).

Levin v. United States, 568 U.S. 503, 509 (2013). See also 28 U.S.C. § 2679(b)(1) ("The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property, or personal injury or death arising or resulting from the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment is exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the claim ").

See, e.g., Doe, 929 F.3d at 166 ("[E]ven intentional torts and illegal conduct may fall within employees' scope of employment. In considering whether an intentional tort or an illegal act falls within the scope of employment, the inquiry is whether the tort or crime was a foreseeable aspect of the employee's employment.") (internal citations omitted).

See 28 U.S.C. § 2680(a) (stating that the FTCA's waiver of sovereign immunity "shall not apply to . . . [a]ny claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused").

Niles, supra note 16, at 1300. See also Sisk, supra note 17, at 301 ("The most important [exception] (in terms of frequency of assertion by the government, successfully more often than not) is the discretionary function exception."); Seamon, supra note 33, at 700–01 (describing the discretionary function exception as "broad," and as "the most important exception" to the FTCA's waiver of sovereign immunity).

See, e.g., Loumiet v. United States, 828 F.3d 935, 939 (D.C. Cir. 2016) ("We conclude, in line with the majority of our sister circuits to have considered the question, that the discretionary-function exception does not categorically bar FTCA tort claims where the challenged exercise of discretion allegedly exceeded the government's constitutional authority to act.") (emphasis added).

See Kiiskila, 466 F.2d at 628 ("28 U.S.C. § 2680(a) precludes action for abuse of discretionary authority whether through negligence or wrongfulness."). See also 28 U.S.C. § 2680(a) (stating that the discretionary function exception applies "whether or not the discretion involved be abused").

See Morales v. United States, 895 F.3d 708, 716 (9th Cir. 2018) ("We reject the suggestion that the government cannot invoke the discretionary function exception whenever a decision involves considerations of public safety In case after case, we have considered the government's balancing of public safety with a multitude of other factors.").

Introduction

The context of this statements are collected edited based on the original documents had filed to courts. Which means their decisions judgments and all the other acts were out of their best "fairness and justice" with knowing/understanding documents filed at least in summary. While I also had proposed emphasized them in person on hearings for many times to city attorneys and judges.

Statement summary

A. Miguel Rivera's pervious life – The reason why abusive litigation (detail in attachment)

Miguel Rivera (aka) is a criminal scam artist, abuser. The Primary birthday is 1990s to 2005 he's been in a relationship with Alexander G. Tellez with the name of "Michael Colon". Before 2000, they lived in Orange County, CA. On 2001 they moved to Miguel Rivera's parents' place 1416 Grandale St Lehigh Acres FL 33936. The records/frauds of montages started, by the time their relationship was getting worse. In 2003, there was a record of fight, finally in 2005 Alex issued a protection against to Miguel Rivera (aka), while it ended.

On 1/15/2005, 1/31/2005 Miguel Rivera (aka) was arrested for criminal traffic under the name of "Miguel Colon", "DOB: " in Lee County FL. A mugshot was taken on file, which looked the same with "The Miguel Rivera" I know.

On 7/7/2006, he was arrested in Lee County Fl again with the name of "Miguel Rivera", DOB: on court records, DOB: on the original complaint paper.

During 2006-2011, Miguel Rivera (aka) had serval relationships, he moved to New York City. He became more experienced with his fraudulent skill, he succeeded on defrauding his priors, theft their identities, benefited the funds of montages.

After 2011 he succeeded again, came off with the name of "Miguel Rosen", he broke up with Evan D. Rosen, he started a relationship with Jino Kobayashi in New York City. Miguel Rivera registered companies as real estate agent with Jino in NY, FL, PA.

Around May 2011, Miguel Rivera met Abigail Prieto. On 10/4/2012, Miguel Rivera committed

to a fraudulent marriage with Abigail Prieto to help her gain the green card in Lee County FL. He was paid, she is homosexual, they barely contacted each other. Around August 2016, she met some issue related to him and came to him for help. Maybe they have not divorced yet. She is now married to a girl.

In 2014, Miguel Rivera's three-year circle cleared away his relationship with Jino. There was a lawsuit against him by his "good friend" (target) called KAMA LINDEN in New York City. He failed and lost money in that case. Though he got "supplement" from bank by using Jino's identity in the same way, which caused legal issue to Jino. Then he absconded away from NY back to Nepal CA. The years in New York he gained connections, and another identity (SSN) might be obtained at that time. Due to their unlawful (Airbnb and other kinds) business, there was another lawsuit against him in 2015.

In Nepal, he opened a center called "The Center SWFL LGBTQA Communities Center Inc." with Joshua Boyle and Julian Laredo, Heather Lunsford, Heather Nicol. Which was more like a bar or a dance club. Miguel Rivera had a "luxury" time, they enjoyed, partied, played and smoked all along. One of whom is now in jail for drugs. I guess that's when and how Miguel Rivera affected HIV and syphilis. The people in the office observed lies such as pretended to have cancer, heart problems, brother's and father's death. His reputation went broken as well as his "boys" in 2015. During this time, Miguel Rivera was having insurance business with Bryan Ildiko, Ildiko Baldwin's husband. Which was legal or illegal, I guess no.

After that he left Nepal CA back to his hometown Philadelphia PA, when and where he met his husband, Minh Nguyen, he brought disasters to his families and Minh. They married to each

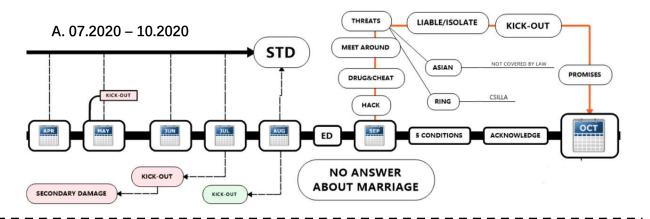
other on 7/8/2015 certificated in Honolulu County HI. Which was a bigamy for sure. It was not too peaceful in their relationship. Miguel Rivera cheated, smoked, defrauded as how he is, Minh was abused, always kicked out to the streets, be set up, libeled, framed as well by reading the conversations from one of Miguel Rivera's flash drives. There, Minh noticed his mental issues as well. They separated (not divorced) in 2017 when it reached out to the circle of "three-year".

During that time, Miguel Rivera succeeded on pushing his youngest brother to kill himself and set up plans to put his other younger brother into jail. He defrauded social benefits from his nieces and nephews. While it appeared, he started/had some "business" in Las Vegas. His "business" extended to shell companies as well.

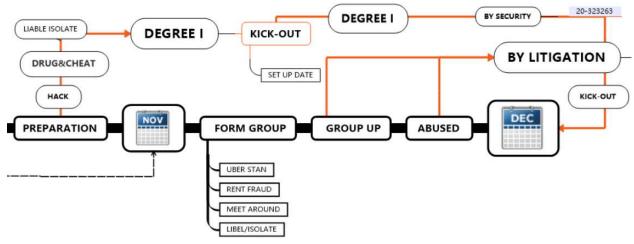
In 2017, he hunted Qien Gan. Miguel Rivera arbitrarily registered Qien's apartment on Airbnb, illegally. Their relationship ended up because Miguel Rivera hid his HIV status. Qien tried to break up with him. Which caused Miguel Rivera changed the lock of Qien's apartment, he detained his suitcases, made him nowhere to go. Qien told me he was lucky that he had a sister who supported him otherwise homeless like me when we talked. Qien didn't go back to him, he issued protection order against to Miguel Rivera on 2/15/2018 so that he's able to flight back home safely. Though Miguel Rivera couldn't control himself and he went to Hangzhou China to harass Qien's life. He showed himself up to Qien's parents with photos of them having sex when Qien hadn't even come out to his parents, it's not hard to get how much trouble Miguel Rivera caused, that's exactly what he wanted and who he is. As results, he got beaten away, they called the police as well. After that it was when I met him, where and how my disaster started.

B. My disaster

I. Timelines (deatil in Attachment)



B. 11.2020 - 12.2020



II. Miguel Rivera's background

GENERAL: He is an alert young man in no apparent distress, looking significantly younger than stated age.

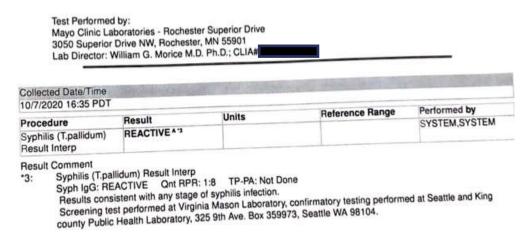
SKIN: Normal turgor. No rashes. Mood seemed appropriate.

NEUROLOGIC: He made excellent eye contact, was very conversational. He was not otherwise examined.

LABS:

On 10/01/2020. CBC was normal. Chemistries were normal except for a total protein of 8.3

Miguel Rivera made excellent eye contact; he is good at convincing/acting/lying.



As one party in a relationship, Miguel Rivera is a liar, a cheater, a betrayer. He hid his STD status, even intended to transfer it to me so that I became the cheater.

As the facts Miguel Rivera has many identities, different birthdays, multiple SNN and countless names. There are lots of court records everywhere he stayed. If you review his declarations and statements in different cases, you will find lots of perjuries and self-contradictory statements. He is a con artist, experts in relationship frauds. He has moved among cities and states a lot, mostly for relationship issues. According to court records, they always ended up on courts, usually for domestic abuse and lawsuits by different guarantees for the monotonies he applied under their residents. Before his priors noticed he had run away to different states. He has criminal/felony records, famous for lying in his family. He had lied to his families too much, even defrauded benefits from his niece. He pushed one brother to kill himself and the other one into jail. Eventually his niece called him liar, his husband called him a fraud, finally his own parents gave up and abandoned him. Based on and regarding to my experience, I summarized the patterns:

- 1. Miguel Rivera always exaggerates praises people and matters depend on the degrees of value to him or his desire, vice versa.
- 2. When Miguel Rivera claims there are witness to certain events, which I never once experienced as (totally) truthful.
- 3. It is the same as further continuation when Miguel Rivera states certain matters were introduced by certain individuals, or certain individuals support his statements.
- 4. To the accusations can be considered as facts with lots of proofs, Miguel Rivera's strategy is not to deny or acknowledge, only to stay silent. To the other accusations no matter truthful or not, he denies.
- 5. When it comes to Miguel Rivera's proofs, those are usually not relevant or forced to become connected or related.
- 6.There are more in the cases.

The key is his powerful performance ability to mix and manipulate the genuine and fake.

Miguel Rivera experts in convincing acts, making big lies out of small non-related facts. He is a master of humanity manipulation. Most importantly, he has spent his life on that. He has collected extensive rich experience. Generally, I never found any of his statements involved with third parties was (totally) real. In conclusion, he is a total egoism.

Though just like the snowball rolling in one direction, he always failed to exam through from the tests of time and the stands of facts. So that gradually he is utterly isolated from everyone. That's why there is some period in relationships forms out a triennial cycle.

On the "DV Manual for Judges Appendix H-8" from Washington State Administrative Office of the Courts, it comes out exactly how and why. Miguel Rivera's perjuries and false claims followed the same pattern summarized 8 months ago. But no one had reviewed. According to case records, it is more than shameless that the prosecutor knew Miguel Rivera was abusing me, but she chose to cover him up, neglected Miguel Rivera's crimes. It was absurd illegal performance how she had been. She isolated my documents but never explained why she illegally held up my evidence away from the court and how authorized Miguel Rivera's immunity from crimes. Regarding to RCW 9A.08.010 (1) (a), (3) "Intent" is the general requirement of culpability to a crime. No matter how illogical, unreasonable, malicious, blind, abusive, evil, without supportive or reasonable intents and proofs, without authenticity verifications, she just chose to abuse her power and increased crimes.

The case 658510 was dismissed for lack of evidence. There, officer falsely reported claimed that Miguel Rivera met me in person, and I was trying to assault him in the apartment lobby. Since it turned out false, where is the outcome of false reporting? Regarding to the Police Report 20-324971 I was kicked out into the shelter(Exhibition Hall), I never reached out to him, what was the reason/intent for me to do that especially when his abuse had gone into an unbelievable level?

Miguel Rivera was not divorced with his husband, his parents gave up on him, his family did not know where he was, some of them thought he died for HIV. He's famous as a liar. I collected court records showed his crimes. He abused me, defrauded me, damaged me and my family. Miguel Rivera did not act needs for protection as King County Superior Court dismissed his petition, the judge yelled at Miguel Rivera "Civil standbys are not violations." The dismissal meant there was not enough evidence, or he did't experience domestic violence. Violations are built on that, however it seemed to be non-relevant to municipal court. Miguel Rivera was that blatant rip-off adjective and criminal, but there was no need for him to concern about any penalties. After cracking her fingers, the prosecutor maliciously sanctimoniously charged me for contacts to his parents/family and Ex-husband. Not only nothing was verified, but also, such a blasphemy to justice for something absolute malicious false fake and retaliatory. It is unlawful that the prosecutor

abused her power. It is illegal for the court groundlessly prisoning me, shutting me up, framing and abusing me while authorizing immunity to crimes.

I pursue all of those people mustn't be parents or have grandparents, otherwise inhuman, otherwise they must find it fair acceptable happy and justice for their children to go through their judgements when they are in the hospital about to have surgeries, and to be locked up in a seperated cage for asking "allow me to attend my grandfather's funel". Miguel Rivera had framed me to all my families and everyone he knows from me. But he didn't let go, he isolated me from my new friends here so that more helpless. He had done everything you might think of to be hopeful. He had violated too many rules to count. He never responded to all the criminal alleges against to him. His just pretended and acted, made up more perjuries and built up more fake stories and false alleges. That's exactly what the court needs, there's excuse, there's "good reason" to act. There's no penalty to real crimes, they participated in the same silence and extended more abuse like it matters. Procedures were insignificant, they've designed the destination in the first place. It's not "shame on them", they are too shameless. May kids in kindergarden know better at judgements, only may those paitents in St. Elizabeths Hospital proceed the same madness. Confucius proposed: "Don't make others do things you don't want to do". They must find the best justice one day the same judgements and treats on them.

C. Misconducts

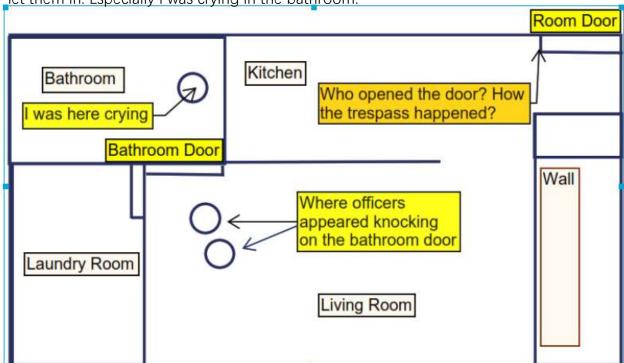
(a). Instruction

As the facts every letter had been filed, described in detail, written in red dried out from salted liqueur. Everything was well-founded, reasonable, logical, factual. Not to mention about other torts, only in the name of abusive litigation there's no reason for SMC to continue on chargers. Plus, the fact of frauds bigamies perjuries violations harassments, etc. why so discriminational, abusive to me? Even if there; s no humanity or conscience, was it already over excessive for SMC to be lawful and legal at least?

(b). Events (extracted from attachment)

I declare every description/statement in the related events as facts, unchangeable histories. Proofs and evidence are filed to the original cases. Which can be provided and verified again at any time. I also declare the related inferences are logical and reasonable. As for the personal experiences, I ensure my best objectivity in the statements. I believe the actual feelings and mentalities at the moment must be worse after healing through time.

1. Pursuant to RCW 26.60.901, RCW 26.50.055, 10.99.030 and The Fourth Amendment. It was unlawful for peace officers to trespass on my room. <AKIYAMA EMILY J,GORGE COREY L>, TRESPASS, MISCONDUCTS. As exhibited, there was no way for me to let them in. Especially I was crying in the bathroom.



2. King County Superior Court dismissed Miguel Rivera's petition for protection.

On 6/30 hearing, around the same time section of the hearing on 6/28. both judges denied my motions, claimed those as non-relevant with the same sentence. Both of them asked me the same questions at similar time section on two different hearings:

- 1. Is it necessary for me to have an interpreter?
- 2. If so, how come the documents I filed were in English?

Forget about that the queries were hostile, ran counter to Chapter 2.43 RCW, it appeared they were following the same instruction, otherwise too incidental. How about decisions?

I then asked for reasons why dismissed and not relevant, emphasized pointed out crimes verified on my brief and what action will be taken facing, what if the prosecutor is abusing her power.

Then the judge warned me of potential penalties to as a pro-se, stated what I filed were "facts", which should be exhibited to the jury instead of the court, and that's what the court could provide me. She stated the public defender makes right decisions, and if it was her, she would not file them to the court and asked him "Right?". He laughed and agreed. Who never voiced any facts, ignored what he received, violated my right of privileged communications, stated that's how much he could do since free. It must be non-relevant that the protection order was not valid by unlawful service. It must be non-relevant that the fact I don't possess my passport, all my properties were detained or sold by the other party. So that I had been homeless stayed 45 days in the street. Eventually I couldn't provide anything on file to pay the bail to the agencies. It must be non-relevant about the perjuries. It must be non-relevant that I had proofed Miguel Rivera is a bigamist, scam artist.....a total criminal with countless crimes. Nothing would be enough important to be non-relevant.

The judge stated the city will be in charge of crimes, she didn't know/response what to do with the other situation. Then I asked again for their reasons to dismiss. I stated the court had gone into the opposite direction, I never abused Miguel Rivera, but he did. I asked why the prosecutor had been holding on my documents/evidence away from records. Why there is no penalty or cost for Miguel Rivera's countless crimes. Even the order itself was not valid with unlawful service......

The judge only focused on warning me outcomes and possible sentences as pro-se and passed my questions. She only had a short pause about the unlawful service but soon ignored. She told me only after the final decision, I have the chance to appeal, like the decision she made. Later she asked for the prosecutor's charges. While she asked me to stay quiet because my attorney will "represent" me. The prosecutor cracked her fingers turned out to be more abusive/malicious proposed absolute malicious and false charges for violations, stated I hacked MR's social media accounts, then I got his friends' address,

where I sent him divorce paper to when he's attending a "funnel" in Florida. Which I believe it's a lie. On the other hearing, her violation charges were for some phone calls to his building and photo of me which Miguel Rivera claimed next to where he lives. So that he had to move. I responded on my statements as "Miguel Rivera stole my iPad full of evidence, there were locations from apple.com. How was I able to locate his room number only with that uncertain information. If he's afraid of me, why moved to somewhere only two blocks away. It's his abusive controlling and the best excuse to abscond." There was no reply from the prosecutor, no cost for Miguel Rivera's theft and destroy of evidence. Now what I predicted becomes facts, judges authorized her, she offered him immunities.

Ironically, I had filed proofs to both courts previously before hearing. While it is for sure the court didn't review contexts on my motions. Since obviously they followed some same agenda with instructions, what's the point of hearings? Where is the independence? Since the judge stated the two attorneys are always right and make right prosecutions, what is her function to the court as a judge?

Further, Miguel Rivera's friend Ildiko Baldwin, wasn't even honest about her address on her declaration. It was the FedEx operator, he found errors to match the address with the postcode. Why did not she provide her right address? While it was the notice of appeal being sent/served. The certificate/proof of service was filed to both Seattle Municipal Court and King County Superior Court. The divorce notice was sent to his attorney Mr. Timothy A. Lechner through E-mail. It was the best sample of Miguel Rivera's perjury, and how good at making big lies out of small non-relevant facts. It was also malicious charges that she never verified authenticities but kept abusing. Kept abusing and abusing her discretionary power. So, I filed motions, tried to seek just. I never thought the judges were on the same boat. Pursuant to RCW 34.05.437. The judges failed to procedure lawful response and proper reasons for the dismissals. The city attorney does everything possible to encourage crimes. There is no penalty of crimes, the judges screen criminals. The court does its best on framing and convicting me of false malicious crimes. The Municipal Court had thoroughly lost its function.

Shamelessly the judges decided to put me in custody. When I finally bailed myself out, they stated as "I did't know he's out." Is it such a nature for them to put innocent people in jail? Where is your shame? Your humanity? Your dignity? It was really such a blasphemy to justice. The rest procedure was so quick like they have "rehearsed". It was the only moment the public defender volunteered doing something. He participated in the order for evaluation. The public defender explained to me that the court may dismiss the case depends on the result of evaluation. After experiencing another week of torture in custody, finally I got out and searched the meaning of that order.

On the surface the court ordered evaluation for competency skillfully. Their real

purpose was to stealthily visualize me with incompetency. So that even if what I filed were truthful, they have excuses and can claim it's my fault for incompetency. They officially delayed the day of "final decision" from August to November so that I couldn't't appeal to higher courts. As the smartest strategy, they whitewashed themselves and slandered me. The most sneaky and nasty part is no matter what competency, the result will either be I'm "crazy" or guilty, so that either I'm in custody guilty or I'm out custody "crazy". Since the evaluation requires me to appear in person, and from the last experience, there are too many excuses and different ways to shut me up. With their best excuses and speeches to the higher courts as "There's no final decision" and "He's crazy.". Such a design. Such a good countermeasure. What a pity on illegally abusing and bullying.

Here I clarify myself again, I am graduated with biology engineering master's degree. Language barrier is not incompetency, neither as excuses to frame, slander, and abuse me.

I was released on 7/6/2021 around 9-9:30 am, in custody since 6/30/2021 for appearing in person to quash warrant in Seattle Municipal Court Room 902 around 11:30 am. Which caused the failure of appearance for the hearing on 7/6/2021. Though no matter how many times I tried to seek responses, call, and leave messages to King County Superior Court around 10 am. and 12:30 pm. I left message to the Municipal Court and City Attorney's office as well. There was no response from neither the Superior Court or Municipal Court and City Attorney. I don't understand only just to be informed I don't have a right and until now nothing in return.

Later I thought it was a hope there was a county attorney responded and asked for details. Which turned out to be another hurt when she played the game of kicking balls stated they can only take actions when receive reports from the law enforcement, which they do not have. I guess 2021-082422 and 2021-183800 were fake.

After surviving from Miguel Rivera, I thought it was a hope, so I finally felt relieved from everything, did not have to fight alone; it should be easy for them to identify the nature especially with that many proofs and evidence I submitted. But Immediately I even had to be put through with waves of further polyploid extended abuse. If it's heartless or whatever but how injustice how nasty a court needs to be, how blind how abusive it needs to be again, how inhumane how sick again and again. I can't know, I don't know, I don't want to know.

Against my family, I came out to be with him. Left home, I didn't care any elements, otherwise I could have gone back home previously being abused. He's my first relationship, he taught me love, I put all myself in. Though there were arguments then he used to kick me out, sometimes took away my belongs like suitcases money passport. I cherished, protected, stayed, believed. But there were too many times I had experienced hopelessness, so there he promised, then with audios, then videos, and into contracts,

eventually into nothing but empty. Nothing changed, nothing stopped, like nothing to him. Until it turned into abusive litigations, I learned what was the real desperate.

His abuse is killing. Framed me from new made friends here to people on the other side of the earth, he could even hurt my mom two days before her surgery. It is too easy for him to destroy. He has no shame humanity and moral to me. I don't see a sign of bottom line to place a limit. You can never image how whole and deep. You can never know how it is to wake up in the streets. You can never know how to become used to nightmares. You can never know how to stop tearing sadness. You can never know how to live without yourself. Touches are still touches, voice is still voice, lights are still lights, the world is still the world, but everything has changed.

I filed statement "Pattern of Secondary Damage" last year. I had declared/predicted that courts were his new subjects he plays the victim to, as well as his weapon. I predicted his reactions; I exhibited a future picture from the history. But I mistakenly thought the courts were where to seek justice. Finally turned out to be another version of Miguel Rivera in judicial way. The same double standard shameless abusive, evade their unlawfulness, exaggerate, and forge. The worst are the certifications authorizations. The court itself is the rule maker. There are too many ways to sculpt things into the shape they want you to be. To find out a dead end in a quarter justice from the pint court is my worst self-expostulation.

When he broke into the room with his witness, threatened and ordered saying "I have a warrant, I'm nicely asking......" It was the first time of felling dangerous from him, I was still in love with him, but I couldn't even ask or force myself I didn't know to believe again. Torturous huts miseries are too blank to describe. I put away locked the sense of feeling, pulled my soul away otherwise unable to survive. I struggled; I remember there were times I woke up in the midnight crying quietly. After knowing I lost conscious into emergency room, Miguel Rivera played the victim stated he had to live in his vehicle to save money to hire attorneys. Before his petition was about to be dismissed, he stated "All of them (police) said sorry to me.....officer made sure this time it says violation on the report." Though those were verified perjuries, still scratched opened leaks, every leak explored. Finally, it was the first time I started to stop loving. After the hearing on 5/15, everything started to be teared open. After another time being put in custody, I started to realize what I had to defend myself from.

I had struggled, so I will. I had survived, so I will. I had been seeking for just, so I will. I appeared alive; it didn't mean I was fine. I didn't lose a part of body; it didn't mean I was intact. I had been being abused; it didn't mean I would. Nothing had appeared to be fair lawful, or as just; it didn't mean I would accept the same from Court. On 7/7 I replied SCA's motion to dismiss, I stated Police officer trespassed, officer Abshir falsely reported. There's

I repeatedly plead to have the right to be informed with anything related. For clarification, all the appealing files, Motions and any related actions were from/by me DingHui Deng myself only, please be respectful and no need to ask the person who is learning and following your "rules" in a different language. Most importantly, don't decided the undetermined, ignore the related. Please wait until you/your honor have finished reviewing and the ability of equal level of Chinese, question. Thanks.

collusion between them, even my room key was expropriated unlawfully. On 5/15 hearing, there was an ex-parte communication the prosecutor submitted something untruthful to the judge, falsely maliciously charged me again unlawfully. The court granted warrants. On 6/30 hearing. The court put in custody again maliciously illegally. The judges didn't review the contexts of my motions. They followed some unknow agenda, claimed the same as "non-relevant", made same decision to dismiss in the same time section. Incidentally?

There are records I had been requesting but never provided, my motions never got lawful treatments..... The courts have control over releasing records; however, I have them in my memory. If it was guilty conscious for Miguel Rivera, why courts? Even I am nobody, the human rights should be the same as anyone else. Finally, under official cover Miguel Rivera absconded run away from this state as he always had done. He had abused because they had abused, they have framed, but they are still abusing. Their only wisdom was to extend time on tortures, their only response was to dismiss the appeal. Though, their achievements are countless. Miguel Rivera must be so happy and lucky, The court must be so satisfied and delighted.

(c). Rules

- 1. ARTICLE II. 4 (a)
- (1) (C) engaging in improper ex-parted communications with parties or counsel for one side in a case.
- (2) (B) treating litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner; or
- (4) Retaliation. Cognizable misconduct includes retaliating against complainants, witnesses, judicial employees, or others for participating in this complaint process, or for reporting or disclosing judicial misconduct or disability.
 - (5) Interference or Failure to Comply with the Complaint Process.
 - 2. ARTICLE II. 4 (b)
 - (1) Allegations Related to the Merits of a Decision or Procedural Ruling.
 - (2) Allegations About Delay.
 - 3. Rules 4 (a) (2), (3), and (4) reflect the judiciary's commitment to maintaining a work

environment in which all judicial employees are treated with dignity, fairness, and respect, and are free from harassment, discrimination, and retaliation.

- 4. Rule 4 (a) (5) provides that a judge's refusal,
- 5. Rule 4 (b) (1) tracks the Act, 28 U.S.C. § 352(b)(1)(A)(ii), in excluding from the definition of misconduct allegations
- 6. With regard to Rule 4 (b) (2), a complaint of delay in a single case is excluded as merits related.

(d). Local Law

- 1. RCW 26.60.901, RCW 26.50.055, 10.99.030 and The Fourth Amendment.
- 2. RCW 42.20.050 Public officer making false certificate.
- 3. RCW 9A.80.010 The Prosecutor Zavidow Grace E. knowingly misconducted.

King County Superior Court: 20-2-18129-3, 20-2-16996-0, 21-2-00897-2

SMC: 658510, 658597, 658179

Criminal reports: 2021-082422 and 2021-183800; 2020-348546, 2020-348008,

2020-324971, 2020-323263, 2021-023990, 2021-016844, 2021-013432

Events	Reasons to	Status/Responses and	Crimes/unlawfulness with	
LVCIICS	Charges/Actions	reasons	unknow immunity	
Temperory DVPO Service	Invalid order	No response	MR broke in-trespass,Police officer trespass-unlawful service	
Civil standby(Jan.)	Assults, third party contact	Dismissed for insufficient evidence	False report, collusions, theft	
Civil standby(JanFeb.)	Appearances/photos to the apartment	Active. But insufficient evidence of who where when	False report, theft, misuse (sold) shared properties, injuries caused(lost consious into	
Countiurances of temperory protection order(JanMar.) Superior Court dismissed petition for protection(Mar.)	Homeless, properties and cash detained/robbed	N/A	Abusive litigations, injuries, Intentional transmission of STD, perjuries, bigamies, identity thefts, frauds, marriage frauds, (misuse) multiple identities, criminal mistreatments/abuse	
2021-082422 Police Report(JanMay)	N/A	Dismissed without reasons		
Miguel Rivera claimed had to move (abscond) (May)	Phone call, Appearances/photos to the new apartment	Active, Warrants granted/Making big lies out of small non-relevant facts(detais above)	Ex-parte communication, abscond	
Miguel Rivera claimed in FL attending funeral(6.30)	Social media account stole, third party contact	Decision of in custody/Proofs filed before charges.		
Motions filed(May-Jul.)	Appeared in person/be put in custody	Dismissed motions without reasons;prejudice/no review of contexts/unlawful procedure/unjust	violations ARTICLE II. 4 (a)(1) (c), (2) (B), (4),(5); ARTICLE II. 4 (b) (1),(2);Rules 4(a)(2), (3), and (4) ;Rule 4(a)(5), (b)(1),(2)	
2021-183800 Police Report(July)		N/A		

Thank you Seattle Courts, I really have learned Domestic Violence, Violations, Perjuries, Frauds, Discriminations, Bigamies, Tortures, Collusions, Frames are crimes. Anywho violates the law may be charged. Judges and prosecutors are equal fair and justicial, representations of just. Now that I've thanked you, will you start opening your eyes? Will you please stop abusing me? Will you please be lawful? Will you please let just talk? Will you please show as crimes? Will you please stop letting go crimes? Will you stop your abusive prosecutions and judiciaries? Will you please not be so inhuman? Will you please stop abusing and abusing me?

Is it because I didn't forge that's why you don't believe me? Is it because I don't carry the right colour that's why you are discriminational? Is it because you are just a few buildings that's why you are not equiped with humanity? Is it because I didn't die that's why you don't see a body?

On May 20, 2018, I didn't know Miguel Rivera is a bigamist. On March 2019, I didn't know he's an abusive criminal. On May 7th, 2020, I didn't know he's a famous scam artist. On September 16th, 2020, I didn't know he's been faking up. On February 17th, 2021, I finally got to know more about the real who. On March 16th, 2021, I didn't know prosecutors are not how the law says. On April 2021, I didn't know prosecutors can be abusive and illegal. On May 20th, 2021, I didn't know judges are another form of abusive litigations. On June 2021, I didn't know municipal court from inside out is a lawless discriminational hegemonic sided smiling hole. Where leads to their infinite. Therefore, my sights are gradually widened. There's no choice for me to breath but to be soaked in that hell. I was forced to learn, pushed to be crushed, shattered to stay together, disunited on everything. How to gain equality and humanity? I guess only if to be reincarnated in a different being. Oh, I guess it's my fault didn't to realize this until now, of which instead wiping and

destroying my soul, were helps. Everyone knows who discriminates is discriminational. To seek just from the prejudiced ice is never possible.

I thank you, Seattle Municipal Court, judges, attorneys, cleaners. Thank you for destroying my life. Thank you for showing me what is discrimination, thank you for teaching me know what is called abuse, Thank you for redefining laws and rules, thank you for your engagement. Thanks to you, your decisions and judgements, an artist had the chance to keep working on his arts and the ability to infect more and more people. Thank you for your insistences on yourselves. Because you are such the representation and guidance of Judiciary, Justice, Democracy freedom, and society.

You must be so kind; the crimes must be unintentionally done. You must be very generous; a criminal can be covered with your supports. You must be very confident; you are never wrong. You are such the power to take over lives. You are so familiar to the criminals, you are so silent to your disabilities, you are so loud to abuse your authorities. To the innocent, you redefined human rights. To the guilty, you muted criminative voices. You are so right on everything, to everyone, not left.

You are so great to me. You expert in discriminations. Regardless of unlawfully you imparted experiences when I only had a superficial understanding. You are so friendly, regardless of costs you didn't hesitate to pardon. You are so creative, equipped with professional skills and tricks, you are able to generate charges from empty. You are so powerful, the written forbidden is archived. You are so equal; you fixed the screws on the scale. You are so affirmative, illegal rights righted.

You shall be blame free. You must be blind, that's why you cannot see the crimes. You must be deaf, that's why you cannot listen to the laws. You must be incompetent, that's why you cannot read the filed papers. You must be disable, that's why evidence isn't related. You must be very

unabashed, only mosquitoes know the thickness. You must be well-informed, that's why you don't distinguish fiction from fact, right from wrong, criminal from the suffered. You must be so egoistic, that's why no conscience and morality can approach. You must be inhuman, that's why you cannot be unscrambled with human minds. You must have sold out your shame, that's why you have been standing firm in the face of cynicism. Oh, my fault again, you are too blind to see that face.

There is one more day "attorney" exists, there is one more day away from just. I was able to predict your processes and acts, though there's nothing too uncomfortable for them to follow. Oh, all is scheduled, you are just repeating. It was you created a monster like Miguel Rivera, your daily has stayed closed to right, your formalizations had been squashing the free in pieces. The purpose of attorneys had been malformed too far away from the original reasons. Which accelerates court's malformation taking shapes, then deteriorating externalizing becoming and reaching the polarity. It's been my stupidity and delusion to ask tears from crocodiles. It's been my ignorance to welcome. It's been my fault to challenge, fight, seek, and to be abused.

Since you don't consider them as crimes and offenses. You should update the law, delete the parts of fraud, marriage fraud, theft, identity theft, robbery, bigamy, abuse, torture, collusion, forgery, perjury, harass, trespass, detain, domestic violence, false report, violation, threat, drug abuse, isolation, slander, defamation, abscond, mistreat, misconduct, discrimination.

Since your judgements are never based on evidence or fact, you should add a note says more declarations more credibility. Since you don't follow court rules, you should delete the parts of rules on motion, evidence, valuation, litigation, prosecution, judiciary. You should redefine "voluntary" "victim" "criminal", add a note as "The purpose is to fulfil obligations and procedures.

Definition is the court can force and order anyone to do anything or to be any certain way. The court is not under any jurisdiction, the court can delay trial when they need time to wear down one's willpower. The court can violate any law and rule. If you are treated with misconducts, don't panic, don't worry, don't be afraid, don't fight, you are not the first, you are not the last. The court will find you as incompetent when they need to."

Since you cannot distinguish victim from criminal. You should add a note to victim and criminal says "Any case only if two parties are both white, the judgement shall pursuant to the richness, otherwise the white is the victim, and the other party is the criminal. If between two non-whites, pursuant to the richness or whatever."

Most importantly, all provisions above are internal. As for the external version, the superficial need is reserved, the strategy is to stay silent, trash talks are more important, acts are the mercy, the necessary is to add a note says, "We protect your rights, your rights value, your lives matter. Welcome to America, to democracy and freedom."

RELIEF

State briefly and precisely what damages or other relief the plaintiff asks the court to order.

Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I. What damages (Attachmen page 1-103 & Appendixes)

- 1. <MIGUEL RIVERA AKA> Bigamies, frauds, perjuries, thefts, identity thefts, detains, tortures, abuse, domestic violence, relationship scam, defamations, libels, frames, forgeries, briberies, false malicious reporting, collusions, criminal mistreatments, harassments, assaults, insanities, tampering, malicious mischiefs, robberies, burglaries, trespasses, anticipatory offenses, abusive litigations.
- 2. <Defendant 2-6> Perjuries, malicious defamations, collusions, criminal concealing, discriminations.
 - 3. < Police officers > Trespass, collusions/concealing, false reporting, perjury, discrimination.
- 4.<Seattle City Attorney> Abusive litigations/powder of discretionary, tortures, misleading, false advertisement, malicious prosecutions, collusions/concealing, violations, discriminations.
- 5. <Seattle Municipal Court> Violations of cannon, abusive litigation, discriminations, tortures, collusions, illegal enforcements, false advertisements, threats.
 - 6. Destruction of my life, damages to my families and friends.

II. other relief

- 1. [Official Announcement/Certification/Clarification] which at least contains statements of the events, brief of all the related facts in the time from September 16th, 2020, to the present.
- 2. [Additional Announcement/Clarification] of the defendants/detractors/detractresses which at least contains the facts and contexts of their false statements.
- 3. For the purpose of above 1, 2 is to comfort the damaged families and friends, thus any other forms may be acceptable.
- 4. [Medical support] or any other supportive manner such as therapist, as so far not one relief has been proposed or supplied except the shelter. I know I really do need emotional relief.
 - 5. [Certification] of Invalid Marriage/Domestic Relationship Order (Annulment Decree).
 - 6. Any othe relief may be willing to be provided.

III. Basis of claim are continuing at the present time

1. Seattle City Attorney (aka:SCA) Miguel Rivera (aka) and Seattle Municipal Court (aka:SMC) cooperated each other fabricated stories of violation at the recent hearings. For example:

The hearings on 06/28/2021 and 06/30/2021.

- A. SCA falsely claimed <u>I hacked Miguel Rivera's (aka) social media account(s)</u> so that I <u>was able</u>

 <u>to</u> sent <u>"divorce papers"</u> to his friend's (Ildiko Baldwin) <u>address</u> when he's in FL <u>for a funeral</u>.
- B. The marked parts of A were <u>aboslute malicious perjuries/prosecution because I had previously</u> filed the proof of mailing to SMC 19 days before the hearings.
- C. Two different SMC judges had the same query around the similar section of the hearings in the

same sentences about my English language, which were discriminational and unconstitutional.

D. <u>SMC dismissed my filed motions without A reason, claimed the filed documents as non-relevant without reviewing, decided to put me in custody based on A.</u>

E. SMC didn't know/answer my question of what to do about crimes and when the prosecutors are unlawful on the hearing but SMC know how to delay the trail without A reason by issuing the order of competency valuation without A reason

The hearings on 07/15/2021 and 08/26/2021

A. SMC dismissed my motions again and again without A reason, again and again didn't answer my requests and queries, they totally neglected.

- B. SMC forcly <u>ordered the valuation when I repeatedly emphasized I was not willing to, the process</u>

 was not necessay, I was not incompetent, the law stipulated the valuation needed to be voluntary.

 C. SMC threatened me as "Otherwise, Warrant(s) will be issued" against to the law.
- D. See more details on "Statement" part above.
- 2. Based on 1 it's obvious they had never stoped abusing. No matter how many times after times I emphysized on the facts, violations are the only answer. While under covers Miguel Rivera (aka) "admitted" his crimes, absconded out of the state, created fake materials for SCA and SMC.
- 3. <u>Until this moment, all my statements are too factual for them to provide A reason, neither</u> for one explanation of the "immunity". Nobody had done anything lawful but everyone had been abusive and unlawful. The main color is hell.
 - 4. See more details on "Statement" part above

IV. the amounts of any actual damages and reasons

---Statements and details in Attachment 1

- 1. Frauds Fincial loss and costs \$29.800
- (1) 11/20/2020 \$3700 (2) Rents \$1400 (3) 01/16/2021 \$800 (4) 01/25/2021 \$2500 (5) Flight tickets \$\times 52600 (6) Vocational costs \$\times 37500 (7) suitcases \$\times 2 \times 800 (8) iPad \$\times 2 \times 6000 (9) iPhone \$\times 4000 (11)\$ Medical cost \$1500 (11) others \$\times 2000-5000 (12) Rental Promotion "10 weeks for free" \$3600
 - 2. Loss of revenue caused by all the defendants. \$246,000

Monthly average salary: \$6000. Time span: April 2018 to present (September 2021)≈41 months

3. Parts on Premaritial agreement and behavior magage contract.

This **Agreement** is entered into on this 7th of May 2020, by and between Ding Hui Deng & Miguel Rivera. Executed within or outside the United States or in another country. Both parties agree to relinquish any interest or loophole to disqualify or legitimately relinquish this agreement. Both parties acknowledge legal understanding to relinquish such and rights and advise the governing law to execute this agreement as legal despite such technicalities.

- 1. Purpose. The parties intend to marry each other on May 7th, 2020 in Bali, USA, Denmark and China. In advance of their marriage, the parties wish to provide for their rights and obligations in and to each other's assets and property including that which each of the parties currently and separately own, that which each will acquire separately during the marriage and that which both will acquire together during the marriage, in the event the marriage is terminated.
- 3 In the event the marriage is terminated, the marital property is subject to division as determined by the jurisdiction whose law governs the construction of this Agreement.
- 7. Property Acquired During Marriage. With respect to property acquired during marriage:
 - All property attained or acquired during the marriage will be subject to 50% community property division.
 - All assets and property that are earned and acquired by both parties through their joint efforts or given to both parties will be treated as marital property and owned equally by Deng Ding Hui and Miguel Rivera or as otherwise designated in a writing signed by both parties.
- 12. Severability. In the event that any provision of this Agreement is held to be invalid, illegal or unenforceable in whole or in part, the validity, legality and enforceability of the remaining provisions shall not be affected and the remaining provisions shall be construed, to the extent possible, to give effect to this Agreement without the inclusion of such invalid, illegal or unenforceable provision.
- 13. Governing Law. The terms of this Agreement shall be governed by and construed in accordance with the laws of Florida, CA, PA and any other state we both hold residency in, not including its conflicts of law provisions.
- 14. Further Assurances. At the written request of either party, the other party shall execute and deliver such other documents and take such other actions as may be reasonably necessary to effect the terms of this Agreement.

4. Violations on Behavior contract. – Every Provision

"This contract is entered into by and between MIGUEL RIVERA and DINGHUI DENG. The term of this Agreement shall begin on MARCH 25, 2020. In our relationship, we agree to:"

GENERAL

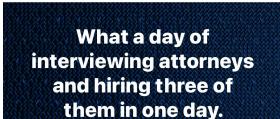
We promise to provide unconditional access to our hearts to each other and to be more gentle with the heart of each other.

5. Compensation for violations of items 3, 4 and damages caused. \$ 1,000,000

Miguel Rivera (aka) had committed to abusive and malicious litigations himself verified with his own posts on social medias to the public. He was abusing me and enjoying his life which proofed his

statements as perjuries. (Attachment 1)

Rivera Michael

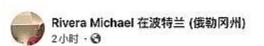


Whew.. Mission accomplished.

Rivera Michael · 🙂 觉得感恩 53分钟 · ೖ

Tonight's view changing hotel and view tomorrow. 音看翻译





Celebrating my birthday * weekend just arrived to Portland to celebrate tomorrow!

查看翻译

Celebrating my birthday with good solid friends. 查看翻译





arrived to my hotel room tired but getting ready to gamble with clients .

查看翻译







My last night in Las Vegas with my childhood friends, business acquaintances, and potential investors. We had a winning streak of up and downs. Most importantly it was some time for me to reflect. Here are the photos of the scenery at night. A lot has changed, since I was last here.







Ah Las Vegas was great and Covid safe and friendly. The precautions being taken and guidelines exceed my expectations. You could really enjoy yourself without added stress.

查看翻译





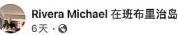


Rivera Michael 3小时 · ❸

My room this morning/afternoon and view at Harrah's and tomorrow a surprise for my winnings this afternoon.







Investor property review and prospecting day. Beautiful day in Bainbridge. 查看翻译





6. Identity theft.

Unknown how many thefts other than what I reported.



FTC Report Number: 137999247

7. Unlawful dealings in shared properties, inculding my personal properties. \$5000





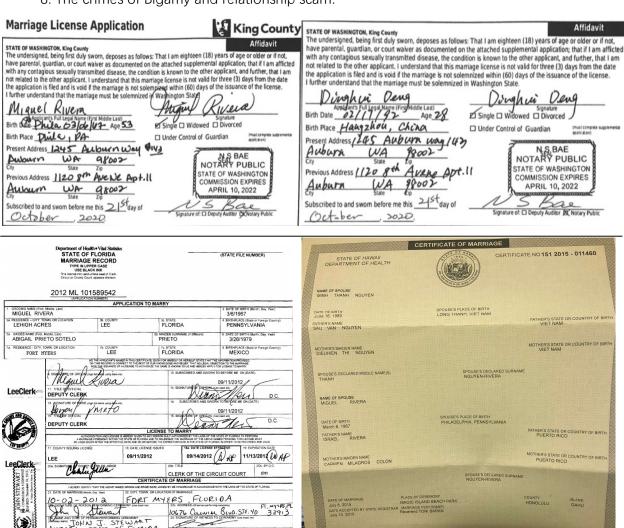




\$100 · Seattle, WA

(已售) Sofa bed with built in mattresses

发消息



8. The crimes of Bigamy and relationship scam.

- 9. Other crimes and violations such as tortures, assults, perjuries, defamation, ect.
- 10. Other pain and suffering damages for his Intents to transfer me with STDs, which also exposed his shameless, dangerous, unloyal cheating identity
 - 12. Take 8, 9 for examples, pain and suffering damages caused by Miguel Rivera. \$1,000,000
- 13. Misconducts of Seattle Police Department officers such as trespass, false reporting, false arrest, misrepresentation, collusions etc. and pain and suffering damages caused. \$534,000

- 14. Pain and suffering damages caused by SCA and King County Attorneys such as malicious prosecutions, misrepresentation, abuse of process, discriminations, collusions, etc. \$1,068,000
- 15. Pain and suffering damages caused by SMC and King County Superior Court such as malicious prosecution, misrepresentation, discriminations, false imprisonment, abuse of process, slander, violations, abused power, unlawful procedures, threates, etc. \$1,084,000
 - 16. The distance from humanity. Discriminations, double standard, humiliation, shame.

When it's dismissed by County Attorneys again with jokes. $\downarrow \downarrow$ No reply as how it has been.

Prosecuting, Attorney < Attorney < a href="https://example.com/y.gov/">Attorney <

Dear Mr. Deng:

Thank you for contacting the King County Prosecutor's Office regarding possible criminal activity. The Rule of Professional Conduct prohibits our office from providing legal advice legal analysis, or giving legal opinions to anyone outside of our King County government clients. As a result, we cannot answer your legal questions.

Our office does not investigate potential crimes. We do not have grand jury investigative powers in the State of Washington. We must rely upon law enforcement to investigate a matter and to determine under oath that probable cause exists that a criminal offense has occurred. As a result, we file cases only after they have been investigated and referred to us by law enforcement.

If you believe that a crime has been committed, you should first contact local law enforcement so they can determine whether or not a criminal investigation is warranted and whether to refer the matter to our office for filing consideration.

After contacting the police, you may be informed that the matter is civil in nature. If this is the case, then you should attempt to contact a private attorney to consult with that attorney over your next step in dealing with this matter. You can consult with an attorney through the King County Bar Association Lawyer Referral Service at http://www.kcba.org/lrs/ or by calling (206)267-7100.

Thank you again for taking the time to contact our office. I hope this information has been helpful.

Sincerely.

King County Prosecutor's Office

DH Deng <<u>dengdinghui0217@gmail.com</u>>于 2021 年 7 月 7 日 周三 15:37 写道:

Yes. I understand that. But the bigamy and fraud matters were forwarded to the county attorney as was recorded on the police report.. But the county attorneys dismissed that complaints

To: Prosecuting, Attorney

Oh sorry but also. The perjuries, collusion, forgeries under king county superior court cases should be a part of the county prosecuting attorney's determine and investigations right? The Code authorizes prosecuting attorney with the unique and only power of discretionary as well as the duties are to take actions when facing crimes...

I understand it's to equal every department's with their specific powers. Since there are obvious crimes happened and happening, just by kind of "fooling" me with "kicking balls", that's not nice reasonable and that's not even lawful.. I really would rather you never replied my than pushing away your responsibilities..

I was thinking as oh finally, but the same after all. You brought me with some hope but it turned into the same results, the Disappointing hurts.

Sarcasms From the fact and themselves.

His estranged husband (Miguel Rivera) married him when he was already legally married to two other individuals. He discovered Rivera had another husband, and wife. They were originally married in Indonesia, and later certified their marriage in New York when they moved to the United States. He cut off all ties with Rivera when he learned he was the third person legally married to him.

Deng provided copies of his King County marriage application, a foreign police report, images from his wedding, and a text message chain between him and Rivera.

Investigation:

1) 04/09/21 1300 Assigned case to myself as A/Sgt due unit workload.

Screened case with KC Prosecutor's Office. KC Prosecutor Supervisors D. Martin and B. Maryman.

Requested to copy of report before any investigation.

Completed Anticipated Decline form.

Copy sent to Prosecutor's Office.

2) 04/20/21 0800 Received decline from King County Prosecutor's Office.

Closed-Exceptional

Why didn't they dismiss charges since protection order had been dismissed by their logic?

To: DH Deng

Thank you for sending this to me! I'll add it to your file.

I did request a recording of the court audio, but the court has not been very responsive as of late. When I receive it I will forward it to you. The audio may require a certain software.

In addition, I did finally get a response from the court clerk about the modification. Motions for Modification are meant to modify already existing orders, so when the Jude denied the protection order, there was nothing to modify. In order to change the parties, a realignment should be requested so that the cases can be heard at the same time, if that makes sense?

On Fri, May 7, 2021 at 7:18 AM DH Deng < dengdinghui0217@gmail.com > wrote:

Sadness to justice.

Case #: 82887-8 City of Seattle, Respondent v. Dingh H. Deng, Petitioner King County Superior Court No. 21-1-05123-8

Counsel:

The following notation ruling by Commissioner Masako Kanazawa of the Court was entered on August 31, 2021:

"Dingh Deng is currently charged with violating a temporary protection order in Municipal Court. Deng seeks discretionary review of an August 10, 2021 superior court order that dismissed his interlocutory appeal of the municipal court's initial determination of probable cause, issuance of a domestic violence no-contact order, setting bail, and issuance of a bench warrant. It appears the superior court declined to issue an order of indigency, noting that Deng's interlocutory appeal had been dismissed.

Pursuant to RAP 15.2(c), the superior court is requested to determine the indigency of Deng seeking review at public expense in this Court."

17. It appeared they regarded crimes as important and serious as insignificant and scrap. It

seemed like justice matters and doesn't matter. It felt like they've been saving but harming for real.

Their "victim" had been abusing deceiting and offencing, he is, he will. It's been reversed role-

exchanged that I've been working on their jobs and requesting them to follow the law, stick to the

facts and rules to whom entitled such. It has been too much more than misconducts.

18. A repeat reminder proposal and idea: Efficiency does not equal to lazy and irresponsibility,

attorney dose not proceed engaged function anymore. The justice is dying, and before banning

"attorney", the poison won't stop persecuting until toxic. Which was based on the facts and the

experience, though I've done much more than my responsibility. The water can carry a boat, either

can overturn it. When it's necessary, it's too late.

As abovemetioned, I request the total amount to be: \$5,561,800

V. The violation of the civil rights laws Include as much information as possible

Regarding to the U.S. Constitution, Washington Law Against Discrimination and primary civil rights law, SMC Title 14 - HUMAN RIGHTS there are violations of the civil rights laws as:

- **The Fourth Amendment**: The right of the people to be secure in their persons, houses, papers, and effects
- The Fifth Amendment: the right to a jury trial, the right to a fair trial, protection against the taking of property
- ▼ The Sixth Amendment: Rights of the Accused
- The Eighth Amendment: Excessive bail and fines, cruel and unusual punishments
- The Thirteenth Amendment: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted. Thirteenth Amendment goes to protect against slavery and discrimination.
- The Fourteenth Amendment: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. The Fourteenth Amendment is there to provide a basis for a legal challenge.

A Theory of Judicial Review 34–41 (1980); and C. Black, Decision According to Law (1981), critically reviewed in W. Van Alstyne, Slouching Toward Bethlehem with the Ninth Amendment, 91 Yale L. J. 207 (1981). For a collection of articles on the Ninth Amendment, see The Rights Retained by the People: The History and Meaning of the Ninth Amendment (Randy E. Barnett ed., 1989).

Insurance Co. v. New Orleans, 13 F. Cas. 67 (C.C.D. La. 1870). Not being citizens of the United States, corporations accordingly have been declared unable to claim the protection of that clause of the Fourteenth Amendment that secures the privileges and immunities of citizens of the United States against abridgment by state legislation.

When process is due. In its early decisions, the Supreme Court seemed to indicate that when only property rights were at stake (and particularly if there was some demonstrable urgency for public action) necessary hearings could be postponed following provisional, even irreversible, government action. This presumption changed in 1970 with the decision in Goldberg v. Kelly, a case arising out of a state-administered welfare program. The Court found that before a state terminates a welfare recipient's benefits, the state must provide a full hearing before a hearing officer, finding that the Due Process Clause required such a hearing.

- unfair practice Appeal as of Right Race and color National origin
- the guarantee to due process equal protection the right to legal counsel the right to confront witnesses the right to a jury trial
 - The clause also promises that before depriving a citizen of life, liberty or property,

government must follow fair procedures.

- <u>Citizens may also be entitled to have the government observe or offer fair procedures,</u> whether or not those procedures have been provided for lawfully on the basis of which it's acting.
 - Action denying the process that is "due" would be unconstitutional.
- "Malice" "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person.
 - "Omission" means a failure to act.

RCW 49.60.400 Discrimination, preferential treatment prohibited.

RCW 49.60.405 It is not an unfair practice when a distinction or differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, rule, or government contract.

While there is no definitive list of the "required procedures" that due process requires, Judge Henry Friendly generated a list that remains highly influential, as to both content and relative priority:

An unbiased tribunal.

Notice of the proposed action and the grounds asserted for it.

Opportunity to present reasons why the proposed action should not be taken.

The right to present evidence, including the right to call witnesses.

The right to know opposing evidence.

The right to cross-examine adverse witnesses.

A decision based exclusively on the evidence presented.

Opportunity to be represented by counsel.

Requirement that the tribunal prepare a record of the evidence presented.

Requirement that the tribunal prepare written findings of fact and reasons for its decision.

This is not a list of procedures which are required to prove due process, but rather a list of the kinds of procedures that might be claimed in a "due process" argument, roughly in order of their perceived importance.

Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty. Betraying a willful disregard of social duty.

For the first time there was a response from city attorney was to dismiss my appeal, facing all the unchangeable facts, they manipulated and neglected the unjust and crimes. They never had done anything valuable to the duties. To an abuser and criminal, they hid evidence held up away from records, covered him up, watched him abusing me. When it comes to the abscond, they proposed a charge so that becoming a well-reasoned act. To someone seeking for justice, abuse, abuse, abuse and still abuse.

Judges don't know how to deserve themselves that title, when prosecutors are unlawful, they are the strongest supports to n them. As rule makers, they didn't follow any rules but forced me to accept their unlawful orders otherwise in jail. They don't care about justice, who is criminal or human rights, otherwise in the opposite.

In the name of law and rules, their threats have a nicer and powerful shall called orders by "finding good reasons." I wonder when they will find for themselves. Language barriers are their method to stigmatize me of incompetency. Their malicious attacks of language level of discriminations are the strategy to delay the final decision so that there's no appeal.

I really doubt what is so different, why so abusive. Not to mention about misconducts unlawfulness or discriminations, they had let free a criminal. How can they act like the reverse? How can they knowingly do? How can they sleep with that? How inhuman to abuse the being abused?

VI. Name/Title of Person(s) Responsible:

Police Officer: Abshir Hussein, Sean Lane, Akiyama Emily J, Gorge Corey L

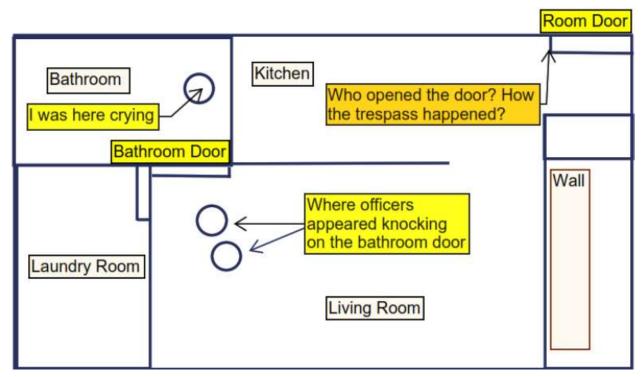
City Attorney: Zavidow Grace E, Jane Doe,

Seattle Municipal Court Judges: Honorable Catherine McDowall, Honorable Adam Eisenberg

Seattle Municipal Court Magistrates: Honorable Jerome Roaché

Detail of evets:

Police Officer Abshir Hussein: 1. False Report. 2. Collusions 3. Tort



On 01/26/2021, police report from officer Abshir. He falsely reported claimed that I attempted to reach out Miguel Rivera by calling the lease office, he stated "He (Miguel Rivera) was tearing and acting scared." During the arrest he claimed that he had personally seen the records from the court of me having (or had read) the Chinese language translation of the order. This wasn't on the police report. Officer also "stole" a part of my room key.

Police Officer Akiyama Emily J, Gorge Corey L: 1. Not fair procedure – neglection of report for (criminal) broke-in/trespass. 2. Unlawful service of order. 3. Officers trespassed my residence.

On 01/23/2021 Based on police report, according to my declarations I had pointed out that the temporary protection order was never valid. After MR broke into my room with threats, I called 911, MR left, then I went to the bathroom crying. According to the below room structure drawing, as the fact that it was impossible for me to open room door for officers. The order should never be considered as valid for the fact that the two officers trespassed into my (living)room without my permission. The serve was unlawful, they did not explain anything on the order or interpret the order as I am from a foreign nation. I was even not told or received any warning that it was not

allowed for me to stay in the room, or the address was protected. Mostly importantly, from the photo of the order I received, there was no request for a protected residence/address.

Jan-23-2021 12:34:15 - SLIGHT LANG BARRIER, CALLER'S EX-PARTER AND ANOTHER MALE JUST BROKE IN RP'S DOOR, UNK WEAPONS

Related text page(s)

Author: 7870 - BOULLET, DANIELLE N. Subject: TEMP PROTECTION ORDER/NOT SERV 12:57 Jan 23 ED

Related date/time: Jan-23-2021 1245

From: BOULLET, DANIELLE N. East Dispatch To:

Subject: TEMP PROTECTION ORDER/NOT SERVED

Sat. Jan. 23, 2021 @ 12:45:37 Date:

CHESLA, JOSEPH K(at CT26) on 2021-01-23 12:43:15 - COMPL/DENG OVERHEARD THAT SUSP/MIGUEL IS GOING TO WAIT IN THE LOBBY AND LEFT THE ROOM. ADVISED RO TO STAY SEPARATED AND WAIT IN THE ROOM

12:51 Jan 23 ED 7870 A:2C2 KNOCKING ON COMPL'S DOOR NO ANSWER

7870 A:2C2 PT 7675 CONTACTING ONE

13:01 Jan 23 ED 7870 A:2C2 PT 7675

UNDER CONTROL





Police Officer Sean Lane, JOSHUA LOBERG #8744 (Backing Officer)

"Rivera explained to me that he required our presence to take court ordered photos of the interior of the aforementioned address." "The protected party in the temporary protection order, *Dinghui* Dang, was not present" "Rivera was taking a video while exclaiming this, and did not wish to report any of it to police, claiming that it would be handled in court."

- 1. Officers didn't verify the exiting of the "order".
- 2. Miguel Rivera was not allowed to have a civil standby without me at present. And Officers should not let him in my room in the first place.
- 3. Miguel Rivera falsely reported missing items.
- 4. Things I found out missing by the next day:

A. My city citizen ID card. B. My degree documents, C. 800 US dollars cash. D. Two signed documents of declarations from Yanmei and Hongyuan Lai. And the related supportive papers.

Supportive laws

Fourth Amendment to the United States Constitution RCW 9A.76.175 Chapter 10.79 RCW Chapter 9A.52 RCW, RCW 59.18.370 RCW 10.99.030, Chapter 2.42& 2.43 RCW, RCW 43.43.030

City Attorney: Zavidow Grace E

The prosecutor dismissed one charge because my intent was verified not to reach out to Miguel

Rivera. Though he claimed met me in person, I was trying to assault him in the apartment lobby. Which turned out false and perjuries, where is the outcome of MR's perjuries, false reporting manipulation? Further, based on the Police Report 20-324971 I was kicked out into the shelter (Exhibition Hall), though I never went to him. Is there any reason/intent for me to reach out to him since his abuse had gone into an unbelievable level?

As the fact that I was (in short) abused by him. All of his litigations are abusive false malicious and unlawful. The filed documents had listed how he abused me. Additionally, I even enumerated his historical domestic abuse to his priors, I gathered proofs of his crimes. Regarding to RCW, the first basic of any crime is the intent. To be objective and logical, how abusive I needed to be to abuse MR as a total foreigner? (Nothing, nobody, never studied law related…) How vulnerable he needed to be so that he was being abused in his country, around his people, his fields for the longest…?

Though the prosecutor did not stop her abusive/malicious charges, she charged me for violations stated as I hacked MR's social media accounts, then I got his friends' address. During the time MR went to Florida to attend a "funnel", (I believe it's a lie) I sent /served divorce paper to the address. It again proofed the prosecutor never verified anything from MR as well as her malicious abusive discretionary litigations. Because before her charges, "predictably" I filed the proofs to both Seattle Municipal Court and King County Superior Court with the certificate/proof of service. As the filed fact, the divorce notice was being served by email to his attorney Mr. Timothy A. Lechner. It was the notice of appeal being sent/served to the address according to the previous declarations. For additional, as another obvious proof of perjury, Ildiko Baldwin was not honest about her address on her declaration. It was noticed by the FedEx operator, he found out it was not a match to the address and postcode. Who does not remember her own address for years?

No matter to the above facts, and everything from MR, From the beginning of the case which were enough to dismiss the charges regarding to RCW. For every charge, I have collected sufficient evidence for my innocent and MR's crimes. There was not one open eye willing to see those facts, no one was fair. I was never provided with any reply, response, notice, or anything related.

Prosecutor, even just only in this small part, from what officer affirmed that Miguel Rivera

complained he met me in person, claimed I was trying to assault him in the lobby of the apartment. Even if besides the facts he detained my properties, lied to the court, even stated "this time officer Abshir made sure it says violation on the report." on the protection order hearing. What is the standard and where are the so called "rules" and "laws"? Where are the immunities from? What is the logic or standard of your prosecutions?

Seattle Municipal Court Magistrates: Honorable Jerome Roaché

Seattle Municipal Court Judges: Honorable Catherine McDowall, Honorable Adam Eisenberg

On 6/30 hearing, around the same time section of the hearing on 6/28. both judges denied my motions, claimed those as non-relevant with the same sentence. Both of them asked me the same questions at similar time section on two different hearings:

- 1. Is it necessary for me to have an interpreter?
- 2. If so, how come the documents I filed were in English

It seems they were following the same agenda, otherwise too incidental. How about decisions?

I then asked for reasons why dismissed and not relevant, emphasized pointed out crimes verified on my brief. I also asked what their reactions to crimes are, what if the prosecutor is abusing her power.

The judge stated what I filed were "facts", which should be exhibited to the jury instead of the court, she stated that's how much the court can answer. The judge stated the city will be in charge of crimes, she did not response to the second situation. Then she warned me of potential penalties to be a pro-se, stated the public defender make right decisions. Who turned me into mute, never voiced any facts for the case.

I asked again for their reasons to dismiss. I stated the court had gone into the opposite direction, I never abused Miguel Rivera, but he did. I asked why the prosecutor had been holding up my proofs away from the court. Why there is no penalty or cost for Miguel Rivera's countless crimes. Even the order itself was not valid because the police officers trespassed into my room to serve me.....

The judge focused on how to frame me of incompetence. She had a short pause with the service but ignored. She told me only after the final decision, I have the chance to appeal, like for hers. Later she asked for the prosecutor's charges. While she asked me to stay quiet because my attorney will "represent" me. It was really such a blasphemy to justice, especially the prosecutor cracked her fingers then proposed two absolute malicious and false charges.

The prosecutor turned out to be more abusive/malicious, she charged me for violations stated as I hacked MR's social media accounts, then I got his friends' address information. When he's in Florida for a "funnel", (I believe it's a lie) I sent/served divorce paper to his friend's address. Ironically, I had filed proofs to both courts previously before hearing. While exposed for sure they didn't review my motion. Since from her statements the attorneys always make right prosecutions, what is her function to the court? *It was so obvious that they had been following a prepared instruction, what's the point of hearing?*

Further, Miguel Rivera's friend Ildiko Baldwin, wasn't even honest about her address on her declaration. It was the FedEx operator, he found errors to match the address with the postcode. Why did not she remember her own address? While it was the notice of appeal being sent/served to the address, the certificate/proof of service was filed to both Seattle Municipal Court and King County Superior Court. The divorce notice was being sent to his attorney Mr. Timothy A. Lechner through E-mail. It was Miguel Rivera's perjury, the best sample of him being good at making big lies out of small non-relevant facts. It was also malicious charges that she never verified authenticities but kept abusing. Kept abusing and abusing her discretionary power. So, I filed motions, tried to seek just. I never thought even the judges were the same.

Shamelessly the judges had no review on my motions, but decided to put me in custody, like some prosecutor's follower. It was really such a blasphemy to justice. The rest procedure was so quick like they have "rehearsed". It was the only moment the public defender volunteer on something. He participated in the order for evaluation. Which I did not know about, the public defender explained to me that the court may dismiss the case depends on the result of evaluation. Until I got out experienced another turn of torture in custody, I got the meaning of that order.

On the surface the court skillfully ordered evaluation for competency. The real purpose was to <u>stealthily visualize me to be incompetency</u>. As a smart strategy, the most sneaky and nasty part is no matter what competency, the result will <u>either be I'm "crazy" or guilty</u>. While they <u>delayed the day of "final decision"</u> into November from August. They designed such best plans and speeches to higher courts: "He appeared to be "crazy" so that the evaluation is in pending, meanwhile there's no 'final decision'."

Table of context of the filed motions

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Abusive litigation

From how he used to abuse me to how he used to abuse his priors, there are copies of his DV records, there are declarations, there are conversation histories. From the unlawful service. From

the first day in this country to where I am, I had summarized his patterns since last year, which predicted his continuing behaviors. From perjuries to bigamies, I provided proofs, listed every one of his crimes. I collected the (court) records from 2002 to 2018, among many cities in states of PA, FL, NY, CA··· I exhibited how his perjuries looked like on courts·······

I don't know how much time and how many tears constituted, how many damages there were. What's fair and unfair, whatever simply turned in one word "non-relevant" to Seattle Municipal Court.

I wonder and plead to know if your courts had made decisions, or never planned on any further actions, I plead my rights to be informed. Please inform me there is no justice and identify courts in Seattle and King County as simply only just titled in Justice named in courts. I am willing to participate in the ruled predictable "show" and to save some public resources, to save parties' time of lives.

Appeal

After I served the city with the motion to appeal, I finally received the first but only response for all the time and cases. Sure, the city filed motion to dismiss. Then I replied as

B. For what city concerned, the rule of "final decision".

Firstly, according to RCW 2.04.190, 2.06.030 RALJ RULE 2.2 (a)(2) & (d)(1)(2)(3), RCW 34.05.001, 518. It is proper and legal to grant appeals about decisions and not limited to the "final decision".

Secondly, the "final decision" rule was made to ensure a high efficiency to court's process. Based on current position, city stayed innocent and went towards to the opposite. Including this motion to order for dismissal. It is a waste of process. The city costs sources on their dignity and started to discuss about rules, but they are who had been against to the rules, against to the intent of rules made and wrongly used the rule.

Thirdly, I do not have work permit or any legal method to support myself. I

had been participating, collecting, waiting patiently in good faith for five months.

Ended up being muted from voicing, abused by litigations.

Fourthly whether court rules or reversed codes, laws. They serve the same positive intentions/energies. The city has neglected their duties and is still increasing injustice. To compare each the city and I had achieved, it is an abusing disappointing, ruthless, dangerous purposeless joke.

I plead and declare in good faith, for a matter of rights, with positive intents, for a speedy trail, in a hope of lawful expressions, follow the real purpose of rules and codes, there is no reason to grant dismissal. It is necessary to pick up this case to the right direction. I had been being tortured in the nightmares for too long and even the case has been waiting for justice for too long.

I was released on 7/6/2021 around 9-9:30 am, in custody since 6/30/2021 for appearing in person to quash warrant in Seattle Municipal Court Room 902 around 11:30 am. Which caused the failure of appearance for the previous(dismissal) hearing on 7/6/2021. Though I tried to call and left messages to King County Superior Court around 10 am. and 12:30 pm. I left message to the Municipal Court and City Attorney's office as well. There was no response from neither the Superior Court or Municipal Court and City Attorney. I pleaded my rights to be informed but until now

nothing in return. I filed affidavit to both courts, part as

1 reserve the right to claim and to appeal to higher courts to grant my motions, if until the end of day 8/25/2021 there was no response regarding to related rules and codes, it will be considered as the Seattle Municipal Court agrees to my motions: 1. motion of prejudice 2. motion to dismiss Case No. 658179 & 658597 3. motion to modify No-Contact Order.

I repeatedly plead to have the right to be informed with anything related. For clarification, all the appealing files, Motions and any related actions were from/by me DingHui Deng myself only, please be respectful and no need to ask the person who is learning and following your "rules" in a different language. Most importantly, don't decided the undetermined, ignore the related. Please wait until you/your honor have finished reviewing and the ability of equal level of Chinese, question. Thanks.

Later I thought it was a hope when the county attorney responded and asked for details. Which turned out to be another hurt when she played the game of kicking balls stated they can only take actions when receive reports from the law enforcement, which they do not have. I guess 2021-082422 and 2021-183800 were fake.

I can never figure out why, but I know how ridiculous and how desperate. Why me?

Statements

Pursuant to related codes, I have the right to refuse order to valuation especially when it's malicious in bad intents. (Section A) To reply to my requests for responses or lawful procedure to the motions. The Judge debarbed that, did not address any reason but stated as "If you don't go to the evaluation, then the court will more than likely to put you in custody." I requested for three times, replaced with three times of neglection. He forced me to accept their UNLAWFUL Orders, kept pushing me to pick a time to the malicious order. He stated as "The court could grant warrants if you refused."

I stated as "The order itself was disqualified, and I have the right to choose. The court again didn't proceed anything lawful; the court is not following the law but how come you are asking (pushing) me to be a certain way?" He debarbed what I questioned again and passed on to exert/abuse his power. "I'm going to ask this for one last time. What time? Nine o'clock or one thirty?" His authorities evidently turned to THREATS. My response was "I don't want to have this,

I'm not willing to let me···" The judge interrupted me, "I've heard for times that you're not going to cooperate and chose the evaluation time. So, I'll hear from the counsel."

During the judge specially brought up the affidavit of disqualification of judge. I was not left with any time or a chance in the rest part. To retrospect the previous hearings, all the hearings are in exactly the same way. I could have been put in custody for no reason again.

Seattle Municipal Court has been engaged in criminal enterprise, seemed like they are fighting crimes as though out of nature that I do not deserve a right. I have really widened my sight, firstly comprehend and been taken with these unexcepted discriminations, how outrageous and far away from justice a court can be. Even if you accomplished yourself to turn the facts upside down, Miguel Rivera won't be changed. What you had done are always intolerable to the law. The energy and time you had spent on are always by no means retrievable. One more second you stick to you arrogancy thinking of being a wiseacre, one bigger possibility to meet another tragedy.

"Threat" means to communicate, directly or indirectly the intent:

⁽j) To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships.

Create Date •	Comment	
Case: 658	3597 Defendant: DENG, DING H	
Create Date •	Comment	
08/11/2021 15:08	Strike prior order. This motion was filed by defendant not victim. Motion to modify denied. Address any additional issues at 10.77 return date.	Judge DAM
08/11/2021 15:03	Keep return date.	Judge DAN

8/25/2021 there was no response regarding to related rules and codes, it will be considered as the Seattle Municipal Court agrees to my motions: 1. motion of prejudice 2. motion to dismiss Case No. 658179 & 658597 3. motion to modify No-Contact Order.

⁽a) To cause bodily injury in the future to the person threatened or to any other person; or

⁽b) To cause physical damage to the property of a person other than the actor; or

⁽c) To subject the person threatened or any other person to physical confinement or restraint; or

⁽d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

⁽e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

⁽f) To reveal any information sought to be concealed by the person threatened; or

⁽g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

⁽h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

⁽i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

As on my motions filed previously pursuant to CrR8.3, I asked Municipal Court again for lawful procedures. But Pursuant to CrR 8.3 or 4.5, Seattle Municipal Court again didn't follow court rules. Municipal Court hadn't provided any lawful procedure to (dismiss) my motions, not just for once. Therefore, I affidavit emphasized "regarding to related rules and codes". Municipal Court has not responded the previous mentioned. Municipal Court had never provided reasonable/lawful proof evidence or supplement for their decisions/orders. Additional misconducts, discriminations, and supportive rules for judicial review. I have no criminal records. I never have practiced anything unlawful or abusive, but the court had been in the opposite direction. The criminal had damaged many lives and mine, one more day in the wild equals to one more day in danger to his surroundings.

I can never understand why, what for. What does the prosecutor gain holding up my evidence, granting malicious charges. It became so utterly preposterous that they appeared righteous about what they don't even know. The courts have the exact same character, which is sick. I can strongly feel their rigid solidity in the flow. The position of attorney only effected more on increasing unfairness and unjust. In the end setting up an order prepared themselves some route, careless about how nasty it looked like. Why didn't the court evaluate competency at the beginning but right after I sought for just? Have the court ever been at fault? Why so much defensive as abusive? Eventually, it turns out obviously they caused greater damages, lost more dignities, appear to be worse. The days in custody were the worst days. I pleaded temporary release because of my grandfather's funeral. But what was waiting was a restricted cell, for someone accused what I said as I needed to attend my funeral. Nobody else's but mine. How vicious! After clarification, I was still being put in there for lack of room. How generous! They did their best delaying the case, kept torturing and abusing me.

Additional discriminations

1. Nation/Language, both two judges proposed the same malicious questions tried to reverse my right to interpretations.

- 2. There's no fairness humanity or justice. Dismissed motions without reviewing the context.
- 3. Forcibly ordered the valuation without no reason when the law requires to be voluntary.
- 4. Threatened otherwise warrants when the law prohibits order and litigation out of such.
- 5. Forced me with a muted attorney, abusive prosecutors, discriminational disable judges.
- 6. There's no humanity to me, there's no justice but imprisons, there's no shame but sickness.

Information regarding the Court.

The court does not have any reason to FORCIBLY order valuation, the purpose of Municipal Court isn't aiming to/doesn't match to:

The purpose of this act is to sustainably improve the timeliness of services related to competency to stand trial by setting performance expectations, establishing new mechanisms for accountability, and enacting reforms to ensure that forensic resources are expended in an efficient and clinically appropriate manner without diminishing the quality of competency services, and to reduce the time defendants with mental illness spend in jail awaiting evaluation and restoration of competency." [2012 c 256 § 1.]

The purpose of this act is to make technical non-substantive changes to chapters 10.77 and 71.05. No provision of this act shall be construed as a substantive change in the provisions dealing with persons charged with crimes who are subject to evaluation under chapter 10.77 or 71.05 RCW." [1999 c 13 § 1.]

ARTICLE II. 4 (a) (1) (C) engaging in improper ex-parted communications with parties or counsel for one side in a case.

^{(2) (}B) treating litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner; or

⁽⁴⁾ Retaliation. Cognizable misconduct includes retaliating against complainants, witnesses, judicial employees, or others for participating in this complaint process, or for reporting or disclosing judicial misconduct or disability.

⁽⁵⁾ Interference or Failure to Comply with the Complaint Process.

ARTICLE II. 4 (b) (1) Allegations Related to the Merits of a Decision or Procedural Ruling.

⁽²⁾ Allegations About Delay.

Rules 4(a) (2), (3), (4) reflect the judiciary's commitment to maintaining a work environment in which all judicial employees are treated with dignity, fairness, and respect, and are free from harassment, discrimination, and retaliation.

Rule 4(a)(5) provides that a judge's refusal.

Rule 4(b)(1) tracks the Act, 28 U.S.C. § 352(b)(1)(A)(ii), in excluding from the definition of misconduct allegations

With regard to Rule 4(b)(2), a complaint of delay in a single case is excluded as merits related.

A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of individuals as well as public safety may be implicated by the decision to release an individual and discontinue his or her treatment.

Unjust-the abandoned rights

RCW 71.05.217 Findings—Intent—2018 c 201: "The legislature finds that: (1) Washington state government must be organized to be efficient, cost effective, and responsive to its residents. Right of action—2016 sp.s. c 29: "This act does not create any new entitlement or cause of action related to civil commitment under this chapter and cannot form the basis for a private right of action."

[2016 sp.s. c 29 § 802.]

RCW 71.05.010 Legislative intent. (1) The provisions of this chapter apply to persons who are eighteen years of age or older and are intended by the legislature:

- (a) To protect the health and safety of persons suffering from behavioral health disorders and to protect public safety through use of the parents patriae and police powers of the state.
- (b) To prevent inappropriate, indefinite commitment of persons living with behavioral health disorders and to eliminate legal disabilities that arise from such commitment.
- (c) To provide prompt evaluation and timely and appropriate treatment of persons with serious behavioral health disorders.
 - (d) To safeguard individual rights.
 - (e) To provide continuity of care for persons with serious disorders.
- (f) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures.
 - (g) To encourage, whenever appropriate, that services be provided within the community.
- (2) When construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in In re C.W., 147 Wn.2d 259, 281 (2002).

RCW 71.05.500 Liability of applicant. Any person making or filing an application alleging that a person should be involuntarily detained, certified, committed, treated, or evaluated pursuant to this chapter shall not be rendered civilly or criminally liable where the making and filing of such application was in good faith.

RCW 18.88A.090 Competency evaluations. CrR 4.2

RCW 10.77.010 Definitions.

(11) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

- (14) "History of one or more violent acts" means violent acts committed during: (a) The tenyear period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.
- (16) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.
 - (24) "Violent act" means behavior that:
- (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat, would have resulted in, homicide, nonfatal injuries, or substantial damage to property.
- (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Disobey Court Rules and the Law.

Every procedure shall be made lawfully and subject to supervision in accordance with the law.

RCW 10.77.068 (v) <u>The defendant asserts legal rights that result in a delay in the</u> provision of competency services.

To be eligible for an order for outpatient competency restoration, <u>a defendant must be</u> <u>clinically appropriate and be willing to.</u>

No reason to believe that the defendant may have a developmental disability.

Information regarding why it is believed the defendant may have a developmental disability may be added here:

- 1. The defendant receives Developmental Disability Administration Services.
- 2. The defendant received special education services specifically for a developmental disability.
 - (2) The department shall:

- (a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period.
- (b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and
- (c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

Malicious intents

- (a) Types. A defendant may plead not guilty, not guilty by reason of insanity, or guilty.
- (c) Pleading Insanity. Written notice of an intention to rely on the insanity defense, and/or a claim of present incompetency to stand trial, must be filed at the time of arraignment or within 10 days thereafter, or at such later time as the court may for good cause permit. All procedures concerning the defense of insanity or the competence of the defendant to stand trial are governed by RCW 10.77.
- (d) <u>Voluntariness</u>. The court shall not accept a plea of guilty, without first determining that it is made voluntarily, competently and with an understanding of the nature of the charge and the consequences of the plea. The court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea.
- (g) <u>Written Statement</u>. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty 31 U.S. Code § 3730 Civil actions for false claims.
- (4) The report must be in a form that is accessible to the public and that breaks down performance by county.

RCW 10.77.230 Appellate review. Either party may seek appellate review of the judgment of any hearing held disqualification pursuant to

the provisions of this chapter.

(5) This section does not create any new entitlement or cause of action related to the timeliness of competency evaluations or admission for inpatient restoration services related to competency to proceed or stand trial, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss charges.

RCW 7.21.010 Definitions.

- (2) "Punitive sanction" means a sanction imposed to punish a past contempt of court for the purpose of upholding the authority of the court.
- (3) "Remedial sanction" means a sanction imposed for the purpose of coercing performance when the contempt consists of the omission or refusal to perform an act that is yet in the person's power to perform.

RCW 49.60.250 Hearing of complaint by administrative law judge—Limitation of relief—Penalties—Order—Arbitration.

RCW 49.60.220 Unfair practice to aid violation.

RCW 34.05.570 (1) (d) The court shall grant relief has been substantially prejudiced.

(2) (b) (ii) (C) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: The rule violates constitutional provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without compliance with statutory rule-making procedures or the rule is arbitrary and capricious.

(3) (a) (c) (d) (e) (f) (g) (h) (i)

Damages

There are sufficient paths for the court to lawfully enter the termination of the unnecessary wasteful evaluation, as the order maker it's easy for them to create excuses to incriminate anyone so that they kept dismissing and ordering. When they are out to condemn, it is too convenient for

them to trump up charges. As fact, misconducts are inevitable from a probabilistic point of view why should they desire to repeat? The more they chose to against the facts and law the more of unlawful actions they need to practice; the further they walk on the false path, the harder to return. As a Municipal Court, they should know better about criminal, but when it comes to themselves, it seems like the worst model. *Seattle Municipal Court has no legal authorities to dismiss motions.*The comments of "Will address on the next hearing" are Materially false statements/replies.

I had been requesting and asking the court to see facts and to be lawful, but the court had been avoiding those. Who/what is Municipal and who/what is criminal? <u>Is it because my justice is a "crap"</u>, as long as I'm not dead I'm not damaged to crazy so that no rights, no just, nothing lawful? There are too many times I've claimed otherwise shameless illegal and inhuman, as how they are, the court always know how to be. *Then why not rename as Seattle Criminal Court?*

Repeat on misconducts

As the fact that the comparison shows considerable disagreement between rules/laws and practice, there are good reasons to consider unlawful procedures as invalid. Which doesn't make legal effect for the court's orders or decisions. Illegal/unlawful procedure/order previously made is not deemed to eligible for law enforcement but shall be considered as intentional misconducts, mistreats, discriminations, contempt of court rules, laws, canons, roles, duties.

Laws and rules are not shields or weapons, but equal to everyone.

Related Records

Superior Court: 20-2-18129-3, 20-2-16996-0, 21-2-00897-2.

Seattle Municipal Court: 658510, 658597, 658179.

Police Reports: 2021-082422, 2021-183800, 2020-348008, 2020-324971, 2020-323263.

2020-348546, 2021-023990, 2021-016844, 2021-013432.

^{1.} Has respondent established any basis/intent for their criminal chargers?

^{2.} Has respondent replied to the statement of "invalidity of order" because of trespass and unlawful service?

^{3.} Has respondent answered why the evidence was on hold not to the records?

^{4.} Has respondent answered why there is no penalty of perjuries, false reporting, and collusions to the dismissed charge 658510?

^{5.} Has respondent replied to the statement of Abusive Litigations verified with historical DV records from FL and PA, supportive declaration, conversations with his prior and husband, my conversations with his priors

and husband, history of him abusing me?

- 6. Has respondent answered why there is no penalties for Miguel Rivera's trespass, thefts, identity thefts, detains, bigamies, frauds, marriage fraud, DVPO violations, harassments, defamations, perjuries, forgeries, assaults, intent to transfer STD, domestic violence?
- 7. Has the respondent answered why/who authorized Miguel Rivera with immunity?
- 8. Has respondent provided lawful procedure to dismiss the motions?
- 9. Has respondent responded to prosecutors' misconducts? (Exhibited in the context part) Page 1 of 34 10. Has respondent responded to judges' misconducts? (Exhibited in the context)
- 11. Why the brief I filed to the appeal of the trial court in person was not on the docket list? Did the appeal of the trial court receive and review?
- 12. Why didn't the appeal of the trial court reply to my declaration of seeking informs and instructions, but skipped to dismiss?
- 13. Why the appeal of the trial court did not provide any responses, or anything related until the next day after I filed motions of prejudice, to dismiss and to seek lawful procedures the appeal of the trial court dismissed the appeal? Timing? Then the city replied to motion to discretionary review on the next day.

Who subjected to the same or similar treatment: Court Rules and other supports

Rule 37. Failure to Make Disclosures or to Cooperate in Discovery, Sanctions

At the preliminary hearing, the judge determines whether enough evidence exists for the prosecution to meet its burden of persuasion. The burden of persuasion refers to whether the prosecution even has enough evidence to make the defendant stand trial. The defense has the right to cross examine the government witnesses during this proceeding.

Pre-Trial Hearing

A pre-trial hearing is the next step in the process. The prosecution and the defense team use the pre-trial to file motions before a judge. These motions usually concern whether the court should suppress certain evidence, whether certain individuals can testify, or whether the judge should dismiss all charges for lack of evidence.

"There is lacking that equality demanded by the Fourteenth Amendment where the rich man, who appeals as of right, enjoys the benefit of counsel's examination into the record, research of the law, and marshalling of arguments on his behalf, while the indigent, already burdened by a preliminary determination that his case is without merit, is forced to shift for himself." Id., at 357-358.

Even the plurality in Griffin v. Illinois, 351 U.S. 12, 18 -19 (1956), simply held that the Due Process and Equal Protection Clauses protect indigents from "invidious discriminations" on appeal and that such persons "must be afforded as adequate appellate review as defendants who have money enough to buy transcripts." Moreover, Justice Frankfurter, whose concurrence was necessary to the decision, viewed the decision as a matter of equal protection. Id., at 21-22.

In DeShaney v. Winnebago County Social Services Department that as a general matter, a State's failure to protect an individual against private violence simply does not constitute a violation of the Due Process Clause. Before there can be state involvement creating an affirmative duty to protect an individual, the Court explained, the state must have taken a person into its custody and held him there against his will so as to restrict his freedom to act on his own behalf. Thus, although the Court had recognized due process violations for failure to provide adequate medical care to incarcerated prisoners, and for failure to ensure reasonable safety for involuntarily committed mental patients, no such affirmative duty arose from the failure of social services agents to protect an abused child from further abuse from his parent. Even though possible abuse had been reported to the agency and confirmed and monitored by the agency, and the agency had done nothing to protect the child, the Court emphasized that the actual injury was inflicted by the parent and did not occur while the child was in the State's custody.(489 U.S. at 201) Although the state may have incurred liability in tort through the negligence of its social workers, [not] every tort committed by a state actor is a constitutional violation. (489 U.S. at 202) It is well to remember . . . that the harm was inflicted not by the State of Wisconsin, but by the child's father. (489 U.S. at 201)

Judicial inquiry into the existence of state action may lead to different results depending on what remedy is Sought to be enforced. While cases may be brought against a private actor to compel him to halt his discriminatory

action, one could just as readily bring suit against the government to compel it to cease aiding the private actor in his discriminatory conduct. Enforcing the latter remedy might well avoid constitutional issues that an order directed to the private party would raise. In either case, however, it must be determined whether the governmental involvement is sufficient to give rise to a constitutional remedy. In a suit against the private party, it must be determined whether he is so involved with the government as to be subject to constitutional restraints, while in a suit against the government agency it must be determined whether the government's action impermissibly fostered the private conduct.

Receivership, 208 U.S. 90 (1908), and consideration by the Court of cases in which the Solicitor General confesses error below. Cf. Young v. United States, 315 U.S. 257, 258–259 (1942); Casey v. United States, 343 U.S. 808 (1952); Rosengart v. Laird, 404 U.S. 908 (1972) (Justice White dissenting). See also Sibron v. New York, 392 U.S. 40, 58–59 (1968).

"Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction or to any other matter similarly unconnected with: (a) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (b) the existence of a justification or excuse for such conduct.

For a substantial portion of this nation's history, the doctrine of sovereign immunity barred citizens injured by the torts of a federal officer or employee from initiating or prosecuting a lawsuit against the United States. Figley, Ethical Intersections, supra note 5, at 348–49 (explaining that, "for a century and a half, . . . the United (States' sovereign immunity . . . protected it from suit" against "citizens injured by the torts of federal employees"). Until 1946, "the only practical recourse for citizens injured by the torts of federal employees was to ask Congress to enact private legislation affording them relief" (ld. at 348. See also Axelrad, supra note 2, at 1332 ("Until the [FTCA] was enacted in 1946, no general remedy existed for torts committed by federal agency employees."). through "private bills."

The FTCA authorizes plaintiffs to bring civil lawsuits

- 1. against the United States.
- 2. for money damages.
- 3. for injury to or loss of property, or personal injury or death.
- 4. caused by a federal employee's (See infra "Employees and Independent Contractors.") negligent or wrongful act or omission.
 - 5. while acting within the scope of his office or employment.
- 6. under circumstances where the United States, if a private person, would be liable to the plaintiff in accordance with the law of the place where the act or omission occurred. (Meyer, 510 U.S. at 477 (quoting 28 U.S.C. § 1346(b)).

Thus, not only does the FTCA "free Congress from the burden of passing on petitions for private relief" (Pfander & Aggarwal, supra note 33, at 424. See also, e.g., Gray v. Bell, 712 F.2d 490, 506 (D.C. Cir. 1983) (noting that Congress enacted the FTCA "in the interest of providing a more efficient means of compensation" than "securing recompense by private bill").) by "transfer[ring] responsibility for deciding disputed tort claims from Congress to the courts," (49 Figley, Ethical Intersections, supra note 5, at 347. See also Hershkoff, supra note 40, at 196 (explaining that the FTCA "by design shifted responsibility for disputes about government negligence from Congress to the Article III courts").) it also creates a mechanism to compensate victims of governmental wrongdoing.

In addition to this compensatory purpose, the FTCA also aims to "deter tortious conduct by federal personnel" by rendering the United States liable for the torts of its agents, thereby incentivizing the government to carefully supervise its employees. (Loamiest v. United States, 828 F.3d 935, 941 (D.C. Cir. 2016).)

The FTCA does not itself create a new federal cause of action against the United States; rather, the FTCA waives the United States' sovereign immunity from certain types of claims that exist under state tort law. (E.g., Pornomo v. United States, 814 F.3d 681, 687 (4th Cir. 2016) ("The FTCA does not create a new cause of action; rather, it permits the United States to be held liable in tort by providing a limited waiver of sovereign immunity."); Raplee v. United States, 842 F.3d 328, 331 (4th Cir. 2016) (explaining that "the FTCA merely waives sovereign immunity to make the United States amenable to a state tort suit"); Hornbeck Offshore Transp., LLC v. United States, 569 F.3d 506, 508 (D.C. Cir. 2009) ("This statutory text does not create a cause of action against the United States; it allows the United States to be liable if a private party would be liable under similar circumstances in the relevant jurisdiction.").) Thus, in most respects, "the substantive law of the state where the tort occurred determines the liability of the United States" in an FTCA case. (53 Raplee, 842 F.3d at 331. See also, e.g., 28 U.S.C. § 1346(b)(1) (providing that the United States may be liable to the plaintiff in tort under the FTCA "if a private person[] would be liable to the claimant in accordance with the law of the place where the act or omission occurred"); Garling v. EPA, 849 F.3d 1289, 1294 (10th Cir. 2017) ("State substantive law applies to suits brought against the United States under the FTCA." (quoting Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1117 (10th Cir. 2004))). Because "state law operates in the FTCA not of its own force, but by congressional incorporation[,] Several commentators have cited the FTCA as a relatively unusual example of state law that operates in the federal system by congressional choice." Rosky, supra note 44, at 957.) In this way, the FTCA largely "renders the Government liable in tort as a private individual would be under like circumstances." (Richards v. United States, 369 U.S. 1, 6 (1962). See also, e.g., 28 U.S.C. § 2674 ("The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances.").

"[A] contractor can be said to be an employee or agent of the United States within the intendment of the [FTCA] only where the Government has the power under the contract to supervise a contractor's day-to-day operations and to control the detailed physical performance of the contractor."

Section 2680 of the FTCA establishes the following exceptions preventing private litigants from pursuing the following categories of claims against the United States:

"Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation . . . or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty"; See 28 U.S.C. § 2680(a). See also infra "The Discretionary Function Exception."

"Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter"; 28 U.S.C. § 2680(b). See also, e.g., Dolan v. USPS, 546 U.S. 481, 483–92 (2006) (analyzing the scope of Section 2680(b)).

- certain claims arising from the actions of law enforcement officers administering customs and excise laws; See 28 U.S.C. § 2680(c) (providing that, with four specified exceptions, the FTCA does not authorize claims "arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods, merchandise, or other property by any officer of customs or excise or any other law enforcement officer"). See also, e.g., Ali v. Fed. Bureau of Prisons, 552 U.S. 214, 215–28 (2008) (interpreting Section 2680(c)); DaVinci Aircraft, Inc. v. United States, 926 F.3d 1117, 1123–26 (9th Cir.), cert. denied, 2019 WL 5301048 (Oct. 21, 2019) (applying Section See 28 U.S.C. § 2680(a). See also infra "The Discretionary Function Exception." "Admiralty" is defined as "the rules governing contract, tort, and workers'-compensation claims arising out of commerce on or over navigable water." Admiralty, BLACK'S LAW DICTIONARY (10th ed. 2014).
- admiralty claims against the United States for which federal law provides an alternative remedy See 28 U.S.C. § 2680(d) (providing that the FTCA does not apply to "Any claim for which a remedy is provided by chapter 309 or 311 of title 46 relating to claims or suits in admiralty against the United States").
- claims "arising out of an act or omission of any employee of the Government in administering" 28 U.S.C. § 2680(e). Among other things, the Trading with the Enemy Act "affords the President broad powers to regulate, license, and prohibit trade with foreign nations." Odebrecht Constr., Inc. v. Sec'y, Fla. Dep't of Transp., 715 F.3d 1268, 1275 (11th Cir. 2013). See generally 50 U.S.C. §§ 4301–41.
 - certain provisions of the Trading with the Enemy Act of 1917; 28 U.S.C. § 2680(f).
- "Any claim for damages caused by the imposition or establishment of a quarantine by the United States" See id. § 2680(h). See also infra "The Intentional Tort Exception."
 - certain claims predicated upon intentional torts committed by federal employees; 28 U.S.C. § 2680(i).
- "Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system" Id. § 2680(j). See also infra "The Combatant Activities Exception."

- "Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war"; 28 U.S.C. § 2680(k). See also infra "The Foreign Country Exception."
- "Any claim arising in a foreign country"; 28 U.S.C. § 2680(I). See also Thacker v. Tenn. Valley Auth., 139 S. Ct. 1435, 1441 (2019) ("Congress made a considered decision not to apply the FTCA to the [Tennessee Valley Authority].") (emphasis omitted).
- "Any claim arising from the activities of the Tennessee Valley Authority"; 28 U.S.C. § 2680(m). The Panama Canal Treaty of 1977 replaced the Panama Canal Company with the Panama Canal Commission. E.g., Black v. Office of Pers. Mgmt., 641 F. App'x 1007, 1008 (Fed. Cir. 2016).
 - "Any claim arising from the activities of the Panama Canal Company"; or 28 U.S.C. § 2680(n).
- "Any claim arising from the activities of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives." 156 See, e.g., DaVinci Aircraft, Inc. v. United States, 926 F.3d 1117, 1123 (9th Cir.), cert. denied, 2019 WL 5301048 (Oct. 21, 2019).

RCW 4.24.470

Liability of officials and members of governing body of public agency—Definitions.

(1) An appointed or elected official or member of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the public agency for the tortious conduct of its officials or members of the governing body.

RCW 4.96.010

Tortious conduct of local governmental entities—Liability for damages.

(1) All local governmental entities, whether acting in a governmental or proprietary capacity, shall be liable for damages arising out of their tortious conduct, or the tortious conduct of their past or present officers, employees, or volunteers while performing or in good faith purporting to perform their official duties, to the same extent as if they were a private person or corporation. Filing a claim for damages within the time allowed by law shall be a condition precedent to the commencement of any action claiming damages. The laws specifying the content for such claims shall be liberally construed so that substantial compliance therewith will be deemed satisfactory.

Additional authorities – SMC Codes

14.04.185 - Enforcement by private persons.

A. Any person who claims to have been injured by an unfair employment practice may commence a civil action in Superior Court or any other court of competent jurisdiction, not later than three (3) years after the occurrence of the alleged unfair employment practice or ninety (90) days after a determination of reasonable cause by the Director, whichever occurs last, to obtain appropriate relief with respect to such unfair employment practice. In an action brought under this section, the court having jurisdiction may, upon written findings by the judge that the action was frivolous and advanced without reasonable cause, require the non-prevailing party to pay the prevailing party the reasonable expenses, including attorney's fees, incurred in opposing such action pursuant to RCW 4.84.185.

C.1. Subject to the provisions of subsection C2, upon the filing of a civil action involving the same claim or arising from the same facts and circumstances, whether under this subchapter or similar law, a complaint of an unfair employment practice may be administratively closed by the Director.

2.In the chapter III - Administration and Enforcement 14.04.185 - Enforcement by private persons.

Subchapter I - General Provisions

14.04.010 - Short title modified

This Chapter 14.04 shall constitute the "Seattle Fair Employment Practices Ordinance" and may be cited as such. (Ord. 109116, § 1, 1980.)

14.04.020 - Declaration of policy

A. It is declared to be the policy of the City, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal opportunity to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, age, creed, religion, ancestry, national origin, honorably discharged veteran or military status or the presence of any sensory, mental or physical disability. The role of the Office for Civil Rights is to enforce the provisions of this chapter in furtherance of this policy.

- D. Nothing in this chapter shall be deemed to deny any person the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights.
- E. To avoid duplication of efforts or otherwise conserve agency resources, the Director may suspend or close a case for any reason consistent with this chapter, including the reason that the case is being actively pursued in another forum.
- F. Remedies under this chapter should include such relief authorized by law as may be appropriate and reasonable to make the aggrieved person whole and eliminate the unfair practice.
- G. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.
 - 14.04.030 Definitions When used in this Chapter 14.04, unless the context otherwise requires:
 - "Director" means the Director of the Office for Civil Rights.
 - "Disabled" means a person who has a disability.
- "Disability" means the presence of a sensory, mental, or physical impairment that: is medically cognizable or diagnosable; exists as a record or history; or is perceived to exist, whether or not it exists in fact.
- A. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated; whether or not it limits the ability to work generally or work at a particular job; or whether or not it limits any other activity within the scope of this Chapter 14.04.
 - B. For purposes of this definition, "impairment" includes, but is not limited to:
- 1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, Genito-urinary, hemic and lymphatic, skin, and endocrine; or
- 2. Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disability.
- C. Only for the purposes of qualifying for reasonable accommodation in employment and domestic service, an impairment must be known or shown through an interactive process to exist in fact and:1. The impairment must have a substantially limiting effect upon the individual's ability to perform that individual's job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or 2. The employee or domestic worker must have put the employer or hiring entity on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.
 - D. For purposes of subsection C, a limitation is not substantial if it has only a trivial effect.
- "Discrimination," "discriminate," and/or "discriminatory act" means any act, by itself or as part of a practice, which is intended to or results in different treatment or differentiates between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, creed, religion, ancestry, national origin, honorably discharged veteran or military status, or the presence of any disability "Discrimination," "discriminate," and/or "discriminatory act" includes harassment, such as racial and sexual harassment, as well as harassment based on other protected classes.

The term "reasonable accommodation" may include:

- A. Making existing facilities used by employees or domestic workers readily accessible to and usable by individuals with disabilities; and
- B. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

"Respondent" means any person who is alleged or found to have committed an unfair employment and domestic service practice prohibited by this Chapter 14.04.

"Sexual orientation" means actual or perceived male or female heterosexuality, bisexuality, or homosexuality and includes a person's attitudes, preferences, beliefs, and practices pertaining thereto.

Subchapter III - Administration and Enforcement

14.04.060 - Powers and duties of Department. Modified

A. The Office for Civil Rights shall receive, investigate, and pass upon charges alleging unfair practices as defined by this chapter, conciliate and settle the same by agreement, and monitor and enforce any agreements or orders resulting therefrom or from a subsequent hearing thereon under and pursuant to the terms of this chapter; and shall have such powers and duties in the performance of these functions as are defined in this chapter and otherwise necessary and proper in the performance of the same and provided for by law. The Department shall further assist the Commission and other City agencies and departments upon request in effectuating and promoting the purposes of this chapter.

B. The Director is authorized and directed to promulgate rules consistent with this chapter and the Administrative Code. [2]

14.04.070 - Powers and duties of Commission.

The Seattle Human Rights Commission shall study, advise, and make recommendations for legislation on policies, procedures, and practices which would further the purposes of this chapter. The Commission shall hear appeals from the Director's determinations of no reasonable cause and, in cases involving respondents who are City departments, hear appeals from determinations of reasonable cause and the orders relating to the remedy therefor. It shall, where appropriate and necessary, in its judgment, hear and determine complaints jointly with the Hearing Examiner as provided in Sections 14.04.170 and 14.04.180. The Commission shall have such powers and authority in carrying out these functions as are provided for by this chapter or otherwise established by law.

14.04.080 - Charge filing.

A. A charge alleging an unfair employment practice shall be in writing on a form or in a format determined by the Department and signed under oath or affirmation by or on behalf of a charging party before the Director, one of the Department's employees, or any other person authorized to administer oaths, and shall describe the unfair employment practice complained of and should include a statement of the dates, places and circumstances and the persons responsible for such acts and practices.

B. Whenever charges are made by or on behalf of a person claiming to be aggrieved, the person making the charge must provide the Director with the name, address and telephone number of the individual on whose behalf the charge is made. Thereafter, the Director shall verify the authorization of such charge by the person on whose behalf the charge is made and upon the request of such person may keep his or her identity confidential.

C. A charge shall not be rejected as insufficient because of failure to include all required information so long as it substantially satisfies the informational requirements necessary for processing.

D. A charge alleging an unfair employment practice or pattern of unfair practices may also be filed by the Director whenever the Director has reason to believe that any person has been engaged or is engaging in an unfair employment practice. (Ord. 118392 § 27, 1996; Ord. 109116 § 7(A), 1980.)

14.04.100 - Charge—Amendments.

The charging party or the Department may amend a charge to cure technical defects or omissions; or to clarify and amplify allegations made therein; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original charge. For jurisdictional purposes, such amendments shall relate back to the date the original charge was first filed. The charging party may also amend a charge to include allegations of additional unrelated discriminatory acts and/or retaliation which arose after filing of the original charge. The amendment must be filed within one hundred eighty (180) days after the occurrence of the additional discriminatory act and/or retaliation and prior to the Department's issuance of findings of fact and a determination with respect to the original charge. Such amendments may be made at any time during the investigation of the original charge so long as the Department will have adequate time to investigate such additional allegations and the parties will have adequate time to present the Department with evidence concerning such allegations before the issuance of findings of fact and a determination.

(Ord. 118392 § 29, 1996: Ord. 112903 § 4, 1986: Ord. 109116 § 7(C), 1980.)

14.04.110 - Charge—Notice and investigation.

A. The Director shall cause to be served or mailed by certified mail, return receipt requested, a copy of the charge on the respondent within twenty (20) days after the filing of the charge and shall promptly make an investigation thereof.

B. The investigation shall be directed to ascertain the facts concerning the unfair practice alleged in the charge and shall be conducted in an objective and impartial manner.

C. During the investigation the Director shall consider any statement of position or evidence with respect to the allegations of the charge which the charging party or the respondent wishes to submit. The Director shall have authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the

production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person subpoenaed, and access to evidence for the purpose of examination and copying and conduct discovery procedures which may include the taking of interrogatories and oral depositions.

D. The Director may require a fact-finding conference or participation in another process with the respondent and any of respondent's agents and witnesses and charging party during the investigation in order to define the issues, determine which elements are undisputed, resolve those issues which can be resolved, and afford an opportunity to discuss or negotiate settlement. Parties may have their legal counsel present if desired.

(Ord. 118392 § 30, 1996; Ord. 109116 § 8, 1980.)

14.04.120 - Findings of fact and determination of reasonable cause or no reasonable cause.

A. The results of the investigation shall be reduced to written findings of fact and a determination shall be made by the Director that there is or is not reasonable cause for believing that an unfair practice has been or is being committed, which determination shall also be in writing and issued with the written findings of fact. Where a City department is a respondent, the Director shall issue such findings and determination only after having submitted proposed findings and determinations to the respondent and charging party for review and comment. With respect to the findings and determination, "issued" shall be defined as signed and dated by the Director.

B. The findings of fact and determination shall be furnished promptly to the respondent and charging party.

C. Once issued to the parties, the Director's findings of fact, determination and order may not be amended or withdrawn except upon the agreement of the parties or in response to an order by the Human Rights Commission after an appeal taken pursuant to Section 14.04.130 or 14.04.160; provided, that the Director may correct clerical mistakes or errors arising from oversight or omission upon a motion from a party or upon the Director's own motion.

(Ord. 118392 § 31, 1996; Ord. 112903 § 5, 1986; Ord. 109116 § 9, 1980.)

14.04.130 - Determination of no reasonable cause—Appeal from and dismissal.

If a determination is made that there is no reasonable cause for believing an unfair employment practice under this chapter has been committed, the charging party shall have the right to appeal such determination to the Commission within 30 days of the date the determination is signed by the Director by filing a written statement of appeal with the Commission. The Commission shall promptly deliver a copy of the statement to the Department and respondent and shall promptly consider and act upon such appeal by either affirming the Director's determination or, if the Commission believes the Director should investigate further, remanding it to the Director with a request for specific further investigation. In the event no appeal is taken, or such appeal results in affirmance or if the Commission has not decided the appeal within 90 days from the date the appeal statement is filed, the determination of the Director shall be final, and the charge deemed dismissed and the same shall be entered on the records of the Department.

(Ord. 123864, § 1, 2012; Ord. 118392, § 32, 1996; Ord. 109116, § 10, 1980.)

14.04.140 - Determination of reasonable cause—Conciliation and settlement of cases involving all respondents except City departments.

A. In all cases except a case in which a City department is the respondent, if a determination is made that reasonable cause exists to believe that an unfair practice has occurred, the Director shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion. Conditions of settlement may include (but are not limited to) the elimination of the unfair employment practice, hiring, reinstatement or upgrading with or without back pay, lost benefits, attorney's fees, admittance or restoration to membership in a labor organization, admittance to participation in a guidance, apprentice training or retraining program or such other action which will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars (\$10,000.00). Any settlement agreement shall be reduced to writing and signed by the Director and the respondent. An order shall then be entered by the Director setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties.

B. In case of failure to reach an agreement and of conciliation and upon a written finding to that effect furnished to the charging party and respondent, except a case in which a City department is a respondent, the Director shall promptly cause to be delivered the entire investigatory file, including the charge and any and all findings made, to the City Attorney for further proceedings and hearing under this chapter pursuant to Section 14.04.170.

14.04.150 - Determinations of reasonable cause—Conciliation, settlement and conclusion of cases involving City departments as respondents.

In all cases in which a City department is a respondent:

A. A determination of reasonable cause by the Director shall be deemed a finding that an unfair employment practice has been committed by respondent and is dispositive of this issue for all future proceedings under this chapter, unless appealed, reversed and remanded as provided in this chapter.

B. Within sixty (60) days of a determination of reasonable cause, the Director shall confer with the parties and determine an appropriate remedy, which remedy may include (but is not limited to) hiring, reinstatement or upgrading with or without back pay, lost benefits, attorney's fees, admittance to participation in a guidance, apprentice training or retraining program, or such other action as will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars (\$10,000.00). Such remedy shall be reduced to writing in an order of the Director.

C. The charging party must sign a release in the form and manner requested by the Department, releasing the City from further liability for acts giving rise to the charge in order to obtain the benefits of the remedy provided under this section and before payment can be made. Without such release, the Director's order with respect to the charging party's individual relief shall have no force and effect. In such event the Director shall notify the parties involved in writing.

D. In all cases where the remedy determined by the Director before or after any appeal includes a monetary payment which exceeds the sum of Five Thousand Dollars (\$5,000.00), the charge or claim, the Director's determination, order, the charging party's signed release and such further documentation as may be required shall be presented to the City Council for passage by separate ordinance. If the City Council fails or refuses to appropriate the amount ordered by the Director within ninety (90) days, the Director shall certify the case to the Hearing Examiner for a hearing to determine the appropriate monetary relief in the case which determination shall be final and binding upon the City.

E. Where the Director's order includes a monetary payment of Five Thousand Dollars (\$5,000.00) or less, such payment shall be made under the authority and in the form and manner otherwise provided for by law for payment of such claims.

(Ord. 117615 § 2, 1995: Ord. 112903 § 7, 1986; Ord. 109116 § 12, 1980.)

14.04.160 - Appeals to the Commission from determinations of reasonable cause and orders of excess involving City departments as respondents.

In all cases in which a City department is a respondent:

A. The charging party or respondent may appeal the Director's order and determination of reasonable cause to the Commission within thirty (30) days of the Director's order by filing a written statement of appeal with the Commission. Such statement shall state specifically the grounds on which it is based and the reasons the determination or order or both is in error.

B. The Commission shall promptly mail a copy of the statement to the Department and to the other party and shall promptly consider and act upon such appeal by either affirming the Director's determination, order or remanding it to the Director with appropriate instructions.

C. The filing of an appeal shall stay the enforcement of any remedy provided for in the Director's determination or order during the pendency of the appeal.

D. In such appeal, the Commission shall consider only the record submitted to it by the Department and written statements of positions by the parties involved and, in its discretion, oral presentation. The Commission shall reverse the Director's determination or order only upon a finding that it is clearly erroneous. (Ord. $117615 \ 3 \ 3, 1995$: Ord. $109116 \ 3 \ 13, 1980$.)

14.04.190 - Construction with other laws.

Nothing in this chapter shall be construed to invalidate or restrict or deny any right or remedy any person may have under state or federal law or preclude any cause of action in court otherwise provided for the violation of any person's civil rights; nor shall this chapter be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this chapter affecting such person.

14.04.200 - Cooperative agreements.

Nothing in this chapter shall be interpreted to prevent the receiving, referring, or other processing of complaints, in accordance with a cooperative agreement with the Washington State Human Rights Commission, the Equal Employment Opportunity Commission or with other agencies concerned with the enforcement of laws against discrimination.

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